Passed Asst. Paymaster Thomas P. Ballenger to be a paymaster in the Navy with the rank of lieutenant commander from the 7th day of August, 1917.

Passed Asst. Paymaster Frank T. Foxwell to be a paymaster in the Navy with the rank of lieutenant commander from the 10th day of January, 1918.

The following-named passed assistant paymasters to be paymasters in the Navy with the rank of lieutenant commander from the 15th day of May, 1918:

Richard H. Johnston,
Dallas B. Wainwright, jr.,
William H. Wilterdink,
George P. Shamer,
Omar D. Conger,
John F. O'Mara,
James P. Helm,
Frank Baldwin,
Patrick T. M. Lathrop,
Manning H. Philbrick,
Henry L. Beach,
John H. Knapp,
John L. Chatterton,
Fred E. McMillen, and
Maurice H. Karker.

Gunner Frederick G. Keyes to be a chief gunner in the Navy from the 15th day of February, 1918.

Machinist George W. Robbins to be a chief machinist in the Navy from the 17th day of January, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24 (legislative day of May 23), 1918.

APPOINTMENT IN THE ARMY OF THE UNITED STATES, FOR THE PERIOD OF THE EXISTING EMERGENCY.

Maj. Gen. Peyton C. March, to be general.

APPOINTMENT, BY BREVET, IN THE ARMY.

Gen. Tasker H. Bliss to be general, by brevet.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Brig. Gen. John D. Barrette, National Army, to be brigadier general in the Regular Army.

TO BE CHIEF OF COAST ARTILLERY.

Brig. Gen. Frank W. Coe, National Army, to be Chief of Coast Artillery, with rank of major general.

PROVISIONAL APPOINTMENTS BY PROMOTION IN THE ARMY.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Arthur H. Besse,
Second Lieut. Charles W. White, and
Second Lieut. John R. Lindsey.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. Oscar I. Gates,
First Lieut. Gerald E. Brower, and
First Lieut. William J. Jones.

To be first lieutenants.

Second Lieut. Edgar A. O'Hair,
Second Lieut. Stephen Mahon,
Second Lieut. Addison B. Green, and
Second Lieut. John R. Shepley.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. George M. Holstein, jr.,
Second Lieut. Joseph G. Cole,
Second Lieut. Ward Rubendall,
Second Lieut. Clyde LeG. Walker, and
Second Lieut. Richard B. Gayle.

POSTMASTERS.

ILLINOIS.

Cora M. Davis, Bethany.

KANSAS.

James H. Riley, Winchester.

OKLAHOMA.

George M. Hagan, Stilwell.
George E. Baker, Gage.

WEST VIRGINIA.

George T. Buchanan, Wellsburg.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 24, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, we thank Thee for that desire Thou hast placed in the heart of man which is ever moving him onward and upward toward a betterment of his condition, physically, mentally, morally, spiritually; for every honest, patriotic, philanthropic, religious endeavor in the heart, the home, society, and in the Nation, looking to that end; and we most earnestly pray that it may continue until we all come unto the measure of the stature of the fullness of Christ; and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROTECTING INSECT-DESTROYING BIRDS.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for three minutes in order to make an announcement.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for three minutes in order to make an announcement. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, the members of the Committee on Rules, as well as other Members of the House, have been receiving a great many letters concerning what is known as the "enabling act," intended to make effective the treaty between the Government of the United States and Canada for the purpose of protecting insect-destroying birds. On yesterday I think I received over 50 letters on the subject. I make it a rule to answer every letter received from a reputable person, and I thought it might save the time of the Committee on Rules and save other Members of the House some labor if the announcement were made that at a recent meeting of the Committee on Rules it was agreed that whenever the business of the House permits a special rule will be reported providing for the consideration of this measure and giving the House an opportunity to vote on it.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. MONDELL. Does the gentleman know who is conducting the propaganda to which he refers?

Mr. POU. I will say that a great many reputable organizations appear to be deeply interested in it.

Mr. MONDELL. It is like all of these propagandas. They undoubtedly originate at one source, and they send the requests to well-meaning but uninformed folks, and they pass it on.

Mr. POU. I will say to the gentleman that perhaps 10 days ago some of the greatest bird specialists in the country, perhaps in the world, were down here, and I had quite an interesting conference with them; and I will say, speaking for myself, that I became convinced that it is a genuine conservation measure. Some of these gentlemen were totally disinterested, except from the standpoint of the public interest, and they gave me quite a good deal of interesting information that was entirely new to me. But my purpose in making this announcement was to save somebody possibly some work in answering these innumerable letters that are coming every day.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. POU. I do.

Mr. KINCHELOE. My attention has been called to this measure quite a great deal in the last 18 months. As I understood it, at the last session of Congress, when this bill was up, there was a conflict between the Audubon Society and the various game wardens throughout the United States; but my understanding is now—and I get it from the game wardens of my States and from members of the Foreign Affairs Committee—that this agreement has been made, and that it is satisfactory to both sides, and that they are both in favor of it.

Mr. POU. That is my information. I think that is true.

MESSAGE FROM THE SENATE.

A message fram the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following title, in which the concurrence of the House of Representatives was requested:

S. 4554. An act for the sale of isolated tracts of the public domain in Minnesota; and

S. 4555. An act to validate certain public-land entries.

The message also announced that the Senate had disagreed to the amendment of the House to the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, had requested a con-

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ference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS, Mr. SMITH of Georgia, and Mr. SMOOT as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, in which the concurrence of the House of Representatives was requested.

RENT PROFITEERING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, the conferees have agreed upon a report concerning Senate joint resolution 152, known as the Saulsbury rent resolution. I desire to ask unanimous consent for its present consideration.

The SPEAKER. Has it been printed?

Mr. JOHNSON of Kentucky. It has not.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the conference report on the Saulsbury profiteering resolution, the rule to print to the contrary notwithstanding. Is there objection?

Mr. GILLETT. I would like to ask the gentleman why this should not go through the regular custom and be printed?

Mr. JOHNSON of Kentucky. The reason for the request is that a great many people have leases that will expire on the last day of this month, and as the resolution protects those who have leases it is desired that the resolution should become law by that time.

Mr. GILLETT. It would make a difference of one day. It seems to me it is a matter of sufficient importance for the House to know if there has been any special change made in it.

Mr. JOHNSON of Kentucky. The only material change is that the conferees have agreed to an extension of the time until the war is over. When the Senate passed the resolution it provided that its operation should cease at the expiration of the present session of Congress. The House amended it, extending the time until one year after the war shall be over. The conferees have eliminated the provision as to the one year after the war is over.

Mr. GILLETT. Is that the only change?

Mr. JOHNSON of Kentucky. There is one change as to verbiage only.

Mr. GILLETT. Can the gentleman explain what that change is?

Mr. JOHNSON of Kentucky. On page 1, line 6, of the engrossed bill, after the word "agreement," we strike out the words "or written" and insert in lieu thereof the word "of," so that it would read "agreement of lease."

Mr. GILLETT. Leaving out the word "written"?

Mr. JOHNSON of Kentucky. Yes.

Mr. GILLETT. Is that all the differences there were?

Mr. JOHNSON of Kentucky. Yes.

Mr. GILLETT. I had a conversation with the gentleman, as he will remember. Was anything done about that?

Mr. JOHNSON of Kentucky. I will say to the gentleman that I took up the matter about which he and I talked, and the Senate conferees opposed the injection of any new matter whatever into it.

Mr. LONGWORTH. As I understand it, as to any lease which is now in existence the lessee may continue until the war is over to pay the rent under the lease, notwithstanding the expiration, until the proclamation is made of the cessation of the war.

Mr. JOHNSON of Kentucky. That is it. There is a provision that was inserted by the conferees that it should continue until the war was over, unless in the meantime Congress should pass a law directing otherwise. That would follow anyhow, and I do not think it is material.

Mr. GILLETT. If those are the only changes, I have personally no desire to see them in print. I shall have no objection.

Mr. JOHNSON of Kentucky. Those are the only changes.

The SPEAKER. Is there objection?

Mr. BENJAMIN L. FAIRCHILD. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, objection having been made, I present the conference report to be printed in the RECORD.

The SPEAKER. It will be printed under the rule.

INSURANCE.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, and agree to the conference asked for by the Senate. The House amended the Senate bill, and the Senate disagreed to the House amendment and asked for a conference.

Mr. MADDEN. Does not the gentleman want to insist on the House amendments?

The SPEAKER. The Chair rather thinks so.

Mr. MADDEN. That ought to be included in the motion.

Mr. SIMS. Of course my motion is to insist on the House amendment and agree to the conference asked.

Mr. MADDEN. Unless the gentleman does that there is no need for a conference.

The SPEAKER. The gentleman from Tennessee asks to take this bill from the Speaker's table, insist on the House amendments to the Senate bill, and agree to the conference asked by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. SIMS, Mr. RAYBURN, and Mr. ESCH.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to submit a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. Under the rules this is pension day. I understand the regular order has been displaced by a special rule. Therefore I ask unanimous consent that on the completion of the oil-leasing bill now before the House the pension bills on the Private Calendar be in order.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at the conclusion of the proceedings on the oil bill various pension bills on the Private Calendar be taken up for consideration. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, what would be the objection to the gentleman waiting until next Friday? We have several pension conferences in progress, and I understand this is likely to be the last omnibus pension bill at this session, probably.

Mr. RUSSELL. Next Friday will not be pension day. It will be two weeks from to-day before there will be another pension day, and that will not leave very much time for the Senate to pass the bill and for the bill to get through conference, provided we should adjourn here within the next six weeks.

Mr. MADDEN. What was that the gentleman said about adjournment?

Mr. RUSSELL. I said in case we should adjourn in six weeks, which some people think we may do.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects.

JOURNAL OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BARNHART. Mr. Speaker, I rise to present a privileged resolution, which I would like to have considered.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House concurrent resolution 43 (H. Rept. No. 599).

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-second National Encampment of the Grand Army of the Republic for the year 1918, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BARNHART. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I understand this resolution is to authorize and direct the printing of the proceedings of the Grand Army of the Republic encampment?

Mr. BARNHART. Yes.

Mr. GARRETT of Tennessee. Has it been the custom to print those proceedings in past years?

Mr. BARNHART. It has.

Mr. GARRETT of Tennessee. It is an annual proceeding, is it not?

Mr. BARNHART. Yes. It really ought to be provided for in the appropriation bill, the same as the printing of the proceedings of the annual meeting of the Daughters of the American Revolution is provided for, but the Committee on Appropriations have never seen fit to carry it, and so each year we are compelled to introduce it here and put it through.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS.

Mr. WALSH. Mr. Speaker, if it is in order, I desire to withdraw the objection I interposed to the request of the gentleman from Missouri [Mr. RUSSELL[.

The SPEAKER. The gentleman withdraws his objection. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Missouri whether or not this is the last pension bill he proposes to offer from his committee at this session of Congress?

Mr. RUSSELL. That is my understanding. The chairman of the committee [Mr. SHERWOOD] is here, and it is not the purpose of the committee to report another omnibus pension bill at this session.

Mr. GARNER. At this session?

Mr. RUSSELL. The chairman tells me that is his understanding, and it is my understanding.

Mr. STEENERSON. Why should the consent be limited to pension bills? Why not include the whole Private Calendar?

Mr. RUSSELL. This is pension day under the rule, so I just asked to preserve the regular order under the rule.

Mr. STEENERSON. When we get through with the pension bills there might be some other private bills——

Mr. RUSSELL. That is a matter for anybody interested to suggest. This is pension day, and I only wanted to preserve the order for pensions.

Mr. STEENERSON. I suggest that it include the whole Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MONDELL. Mr. Speaker, will the gentleman from Missouri yield to me to make an inquiry of the gentleman from Texas?

Mr. RUSSELL. I yield for a question.

Mr. MONDELL. The gentleman from Texas [Mr. GARNER] desires to know whether this is the last pension bill to be reported at this session of Congress. Does the gentleman from Texas have any information as to how long a period his suggestion is likely to cover.

Mr. GARNER. I have no definite information at this moment.

Mr. MONDELL. As the session may run until the snow flies——

Mr. MADDEN. We will have time to cool off in that event.

Mr. MONDELL. If certain legislation that has been suggested is brought in, does not the gentleman's request cover a good deal of time.

Mr. GARNER. I merely wanted to know whether there was to be another bill this session, and I was trying to get that information.

Mr. SHERWOOD. Mr. Speaker, I have had notice from the Senate that they would take up no pension legislation after the last of May. This is the last of May, and if another bill should be reported it would not be passed, and that ought to settle that question.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, is the Senate running this body and this Pension Committee? Have we got to follow edicts that are passed down by some one else in that body.

Mr. SHERWOOD. Not at all.

Mr. WALSH. Then I do not think the gentleman, as chairman of that great committee——

Mr. SHERWOOD. If we were to pass any more bills, it would be a useless task, for they would be killed in the Senate.

SEVERAL MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. Is there objection to the request of the gentleman from Missouri?

Mr. ALMON. Mr. Speaker, reserving the right to object——

The SPEAKER. The regular order is demanded. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PROCEEDINGS AT UNVEILING OF STATUE OF SEQUOYAH.

Mr. BARNHART. Mr. Speaker, I submit herewith a privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 14 (H. Rept. No. 598).

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Sequoyah, presented by the State of Oklahoma, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Oklahoma.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with the proceedings.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. WALSH. What will be the cost of this edition?

Mr. BARNHART. Five thousand dollars.

Mr. WALSH. I would like to ask the gentleman if he does not think, in view of the great demand upon the Treasury for matters intimately related to our war program, that measures such as this might properly be deferred until a little later? It would be just as interesting to read when the war is over, and these are matters which I think——

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on the resolution.

Mr. WALSH (continuing). Might properly be delayed. Has the gentleman given any consideration to the matter of deferring expenditures such as this?

Mr. BARNHART. Oh, yes; the gentleman has given much consideration to it. The unveiling of this statue occurred on June 5 last, almost a year ago. It is customary under these conditions to print the proceedings. Sequoyah was a celebrated Indian educator and author of the Indian-language dictionary.

Mr. WALSH. Yes; but he is not helping much to win this war.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. MADDEN. Sequoyah is dead, is he not?

Mr. BARNHART. That is the general understanding.

Mr. MADDEN. And we are going to spend $5,000 to perpetuate his memory.

Mr. BARNHART. Oh, no. We have already expended more than that to perpetuate his memory. This is printing the report of how it was done.

Mr. MADDEN. Oh, telling the story of the perpetuation. A short time ago we had a special committee appointed to investigate the tragedy that occurred at East St. Louis, Ill. In response to a question I asked of the gentleman from Indiana [Mr. BARNHART] whether or not the evidence taken in that investigation would be permitted to be published, he said he would not favor, as chairman of the committee, the passage of a resolution asking for the publication of that evidence, which, I think, is of vastly more importance than the story of the life of Sequoyah, because it deals with present-day conditions, about which we ought to be able to get information that will enable us to apply a remedy. The victims at East St. Louis are dead, but still there are a great many people in the United States who ought to be told the facts in the case, so that the proper authorities may be in possession of information that will enable the enactment of laws or the execution of laws already enacted to prevent, if possible, a recurrence of conditions such as those to investigate which the special committee was appointed. I want the story told, and I would ask the gentleman whether or not he still adheres to his position not to publish the evidence in the case of the East St. Louis riots.

Mr. BARNHART. That would depend upon the extent of the evidence. If it is as voluminous as some of the investigations, costing as much as $65,000 or $70,000, I think I would not be in favor of publishing it.

Mr. MADDEN. I understand the investigation as to what the cost would be indicates that it would amount to about $5,000. Suppose the gentleman could be furnished with information that would indicate that it would not cost more than $5,000, would he still object to the publication of the evidence?

Mr. BARNHART. I do not think the committee would object to submitting the matter to the House, but my recollection is that when I asked the gentleman if it would cost $50,000 he said he did not know, and I said then if it would that I should not favor it.

Mr. MADDEN. I do not recall the gentleman's asking any such question, but assuming he did, I did ask him whether he would be in favor of reporting the resolution, and he said he would not, he would be opposed to this resolution and would not report it from his committee. Does the gentleman recollect that?

Mr. BARNHART. My recollection now is that I did say something of the kind to the gentleman from Illinois, but I do not specifically recall. There was something said in the conversation about the enormous cost of this publication, as the committee had been there for months taking evidence, and it would probably be as voluminous as the evidence of the Industrial Relations Committee report, which was so large that it cost the Government something like $100,000 to print it, and scarcely no one took it out, and much of it is lying about the storage rooms, to the credit of Members, unused.

Mr. MADDEN. If I may be permitted one further suggestion——

Mr. BARNHART. And I said further to the gentleman that the committee as such had had no requests for these reports, nothing of the kind had come to the committee, and that until something of that kind should come the chairman of the com-

mittee would not be in favor of reporting out a resolution of that kind. On the other hand, the committee is besieged every day for this publication.

Mr. MADDEN. Well, the gentleman will not deny I have submitted to him as to what his attitude would be more than once.

Mr. BARNHART. Oh, certainly not; for the gentleman from Illinois is a stickler for that publication. He is earnest about it and wants the publication; there is no question in the minds of the committee as to that; but nobody else has said anything about it.

Mr. MADDEN. Except the gentleman from Indiana, who declared he would not favor the publication.

Mr. BARNHART. Well, substantially so; yes——

Mr. WALSH. Will the gentleman yield to me for five minutes to oppose this resolution?

Mr. BARNHART. Yes.

The SPEAKER. The Chair will state to the gentleman from Indiana and the gentleman from Massachusetts both that the gentleman from Wisconsin said he wanted to make a point of order.

Mr. STAFFORD. I reserved a point of order.

The SPEAKER. Better have the point of order disposed of before wasting a lot of time in debate.

Mr. STAFFORD. Before I press the point of order, Mr. Speaker, I wish to direct an inquiry directly as to the resolution under inquiry to determine whether I desire to press it or not. I wish to inquire of the chairman of the committee whether in such resolutions providing for printing of memorials it has been customary to allot a certain number to the Representatives and Senators of the State which donates the memorial?

Mr. BARNHART. Always so in reference to biographies of deceased Members and in the proceedings in Statuary Hall. Each State is entitled to two statues in Statuary Hall, and at the unveiling of those statues it has always been customary to have residents of the State present and participate in the proceedings, and inasmuch as these statues are particularly interesting to people of the States which place them, it has always been customary—I do not know whether it is the rule or not, but it has been the custom—to allot to the Members from those States a larger number of these publications than to those from other States.

Mr. STAFFORD. Is the number prescribed in this resolution the customary number that is usually accorded to Members from the States?

Mr. BARNHART. It is the same proportion that is always allotted.

The SPEAKER. What is the gentleman's point of order?

Mr. STAFFORD. My point of order was going to be that it is not privileged under the rules of the House.

The SPEAKER. Oh, every time they dedicate one of these things——

Mr. STAFFORD. Mr. Speaker, I do not intend to press the point of order, but I insist the point of order would be good. When a resolution of this character is presented to the House wherever the resolution provides certain copies of the memorial for the special use of certain Members of the House and Senate, it does not come within the rule of the House making a resolution from the Committee on Printing privileged, limits resolutions to matters referred to them for printing for the use of the House or of the two Houses. I do not intend to press the point of order and have suggested it, and I am simply directing the attention of the Chair to the fact that if this were a privileged resolution, then resolutions brought in by the Committee on Printing authorizing printing of documents for the use of one or all Members of a delegation would be privileged. The mere fact that this singles out 1,500 copies for the use of Members from the State of Oklahoma takes away its privilege. I do not intend to press the point of order. I rose to inquire what the practice was in such instances.

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Speaker——

Mr. FERRIS. Mr. Speaker——

Mr. BARNHART. I have already yielded five minutes to the gentleman from Massachusetts.

The SPEAKER. That is exactly what the Chair was doing.

Mr. FERRIS. I thought the gentleman was being recognized for an hour.

The SPEAKER. Oh, no; the Chair was simply carrying out the wishes of the gentleman from Indiana, who has charge of this resolution.

Mr. WALSH. Mr. Speaker, I do not intend to renew the point of order, but I am opposed to the passage of this resolution at this particular time, and I submit that the time has come for the House to indicate a little spirit of economy in the transaction of public business. We are just running wild here with appropriations and propositions which have nothing to do with war emergency. Now, I know Sequoyah was a celebrated chief; he invented the Cherokee alphabet, and we ought to do him honor and we have done him honor. We have put his statue out yonder in Statuary Hall, which is sometimes called the Chamber of Horrors, and I think that if this appropriation was to do away with that place, rather than to print proceedings whereby we are seeking to perpetuate it and add to its gloom, it might appeal to the conscience of Members of this House. We are piling up appropriations here by the millions and billions, and we are, I think, very likely to be called upon to pass during this session upon another revenue bill to increase the taxes to be taken from the people of this country, and I believe we ought to put these matters off until the war is over. We can print these books with copper plates then and distribute them to the good people of Oklahoma, and it will be just as interesting reading as it will be to have them distributed this summer and this fall, and they will be just as useful then. This is not a pressing emergency, for the exercises are already a year old, and I submit that we ought to defer this appropriation. It is only $5,000. Of course, it does not amount to very much, but it will be used as a precedent and as an argument for passing other minor appropriations probably before this session adjourns, and I submit we ought to indicate here that we are going to confine the appropriations of funds out of the Public Treasury as closely as we can to matters relating to the prosecution of this war. Therefore I am opposed to this resolution. I am not opposed to doing honor to any distinguished representative of the 48 States in the Union nor to publishing the proceedings where honor is done, and seeing to it that the publications are distributed to the people of those States and that the accounts are perpetuated in the RECORD of the Congress and in the records of the United States Government, but this is a matter that can be deferred just as well as not. It ought not to be urged. We can save $5,000, we can save the time and trouble of the Government Printing Office, and we can utilize the copper that will be required to make these plates and the paper that will be required in publishing the books for other matters that are more intimately associated with the prosecution of the war program.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BARNHART. Division, Mr. Chairman.

The House divided; and there were—ayes 46, noes 39.

So the resolution was agreed to.

ITALY.

The SPEAKER. Under the special order of the House the gentleman from New York [Mr. LONDON] is entitled to 15 minutes.

Mr. LONDON. Mr. Speaker, this is the third anniversary of the entry of Italy into the European war. I intend to say a few words about Italy's contribution to the progress of the world. The magnitude of the subject appalls me.

It is not generally appreciated to what extent Italy has been the liberator of thought in the world. The birth of modern Europe, that most glorious period known as the Renaissance, is inseparable from the history of Italy. Mankind had been under an impenetrable shroud of darkness and superstition and ignorance for a thousand years. The intellect of men was being wasted in casuistry, in the realm of the unreal. Nature, man, life, and all the things that enrich life were being scorned. It was Italy that established the first European university. It was Italy that stirred the minds of the European world to action in those spheres of human endeavor where man reaches the divine, where he rises above national limits and to the very heights of the universal. It was she that revealed the treasures of ancient learning. The products of Roman, Greek, Hebrew, and oriental civilizations were put by her at the disposal of all.

Greatness and bigness are not the same thing. The truth is that the highest stages of civilization were reached by peoples when they were small in size. The history of ancient Judea, of Greece, and in modern times of Italy, of England, of the Scandinavian countries, tells the same story. The most glorious stage of English literature was reached when England had a population less than some of our larger States of the Union. And while every nation and every people has enough talent and enough genius to give expression to the distinctive qualities of its own people, it is only to the extent to which a nation produces the universal genius, the man who speaks beyond the boundaries of his own people and to the whole world, that a

nation becomes truly great. And in that respect Italy has been among the greatest of nations. Her geniuses have spread their radiance over the entire world. It is to her universities that the youth of France and Germany and Spain and England rushed for inspiration. It was Italian education and Italian learning that gave food to the intellect of the world. She liberated the human mind from the enthrallment of ages. Her people have not sought dominion over other nations and over other lands. It is in the dominion of intellect, of art, of science, of sculpture, and of music that mankind has been cheerfully paying tribute to her.

Because of her geographical situation she early became the educator of the world in commerce. Bills of exchange and modern banks are the product of the intellect and genius of Italy. Centuries ago Italian statesmen advocated the necessity of maintaining friendly intercourse among the nations of the world and disputed the theory that the distress of one nation leads to the prosperity of another.

Italy's treasures are the world's treasures, and the whole world is interested in perpetuating an Italy which should be given free scope to develop her genius.

Unfortunately for mankind it was but during short intervals that the soil of Italy was free from invasion by greater military powers. Even to-day she is fighting for her existence; she is fighting for her life, and all liberty-loving men throughout the world are ready to pledge themselves to aid her in repelling the invader from her territory.

It is to Italy, the liberator of human thought; Italy, the cradle of modern civilization; it is to this Italy, seeking to preserve her own territory and to merge all her people into one great power, which should be a servant of humanity and not an oppressor; it is to this Italy that I am anxious to send a message of encouragement on this momentous day. [Applause.]

EXPLORATION FOR COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2812.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2812, with Mr. DEWALT in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. FERRIS. Mr. Chairman, I send to the Clerk's desk a joint letter from the Acting Secretary of the Interior and the Secretary of Agriculture, suggesting a couple of amendments to section 1 of this bill.

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

MAY 21, 1918.

Hon. SCOTT FERRIS,
House of Representatives.

DEAR MR. FERRIS: As a result of conferences between members of the Interior Department and Agricultural Department, it appears necessary to recommend that S. 2812, which has been reported out by your committee be amended in two particulars in order to make it clear and consistently workable.

As this bill passed the Senate national-forest lands were excepted from its operation. As reported by your committee, however, national-forest lands and lands in the Grand Canyon and Mount Olympus National Monuments are specifically mentioned as being available for sale or lease of coal. The Department of Agriculture has not heretofore reported on this measure, and the fact that it disposes of national-forest land was inadvertently overlooked in the report of the Department of the Interior. For very many excellent reasons it is considered decidedly unwise to make the sale provision apply to national-forest lands or to lands in the Grand Canyon or Mount Olympus National Monuments. It is therefore recommended that section 2 of the bill, as reported by your committee, be amended by adding to it the following proviso:

"*Provided*, That this section shall not apply to lands within [national forests or within] the Grand Canyon or Mount Olympus National Monuments."

The foregoing amendment would limit the operation of the act so far as it concerns the reserved lands mentioned to the leasing provisions. Since the national forests and the two national monuments mentioned are administered by the Department of Agriculture, while the administration of the leasing provisions will be under the Department of the Interior, it is considered desirable to have this measure definitely define the jurisdiction of the two departments. This may be accomplished by adding to section 21, page 48, the following:

"*Provided further*, That before any lease shall be granted under this act within a national forest or the Grand Canyon National Monument or Mount Olympus National Monument, the lessee shall execute such general stipulation for the protection of national-forest interests or national-monument interests as the Secretary of Agriculure may require."

The foregoing proviso is consistent with the present procedure under existing laws regarding rights of way or easements granted by the Department of the Interior over lands administered by the Department of Agriculture. The adoption of the two foregoing amendments is recommended.

Very sincerely, yours,

ALEXANDER S. VOGELSANG,
Acting Secretary of the Interior.
D. F. HOUSTON,
Secretary of Agriculture.

Mr. FERRIS. Mr. Chairman, I observe that the suggestion is made that these two amendments go in at the beginning of section 2, so I withhold the formal offering of the amendments until section 2 is read. I think I shall offer the first one with slight modifications, although we will leave the latter precisely as it is at the present time.

Mr. MONDELL. Mr. Chairman, what is before the House? Has the first section been read?

The CHAIRMAN. Yes.

Mr. RAKER. Mr. Chairman, I offer an amendment. The gentleman from Colorado [Mr. TAYLOR] should have offered this. It is an oversight in the printing. It is the gentleman's amendment offered in the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 28, line 7, after the word "oil" insert the words "oil shale," and in line 17, same page, after the word "oil," insert the words "oil shale."

Mr. TAYLOR of Colorado. We will accept that amendment.

Mr. RAKER. I yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I will state that, representing as I do the State and county having more oil shale than all the other States combined, we accept that amendment. It is there already.

Mr. RAKER. It belongs there; and after the committee adopted section 28, of course it should go in there.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Wyoming?

Mr. RAKER. In a moment. The gentleman from Utah [Mr. MAYS] also states in the committee and elsewhere that he represents a territory that has more oil shale than all the other territory in the world, so that, of course, with these two gentlemen representing that shale I know we are going to get good results out of it.

Mr. MONDELL. I suppose the gentleman under a fair interpretation would agree that the law would apply to oil shale without this amendment?

Mr. RAKER. It is very doubtful. The experts who appeared before the committee thought that it would not, notwithstanding the keen mind of my friend from Wyoming. All those who are interested in this bill should give it consideration. The gentleman from Wyoming having been so busily engaged in the Committee on Appropriations, we deemed it advisable to include this specifically in the bill.

Now, Mr. Chairman and gentlemen of the committee, the House in the Sixty-third Congress reported what is known as H. R. 16136, providing for the leasing of coal lands, oil, gas, phosphates, sodium, and so forth. The bill passed the House on September 21, 1914, and went to the Senate. During the Sixty-fourth Congress the Committee on the Public Lands reported out the bill H. R. 406. That bill passed the House and went to the Senate. During the early days of the Sixty-fifth Congress the Committee on the Public Lands again considered this legislation in regard to leasing, and reported out and placed upon the calendar the bill H. R. 3232. After that time and during the present session of the present Congress the Senate passed the bill S. 2812, which is the bill now before the House, the entire provisions—all after the enacting clause—having been eliminated, and to some extent, or, I might say, in the main, the provisions of the prior bills referred to constitute the amendment and the bill now before the House.

There are several important changes, one relating to permits. Having a lease, the party obtains a prospector's permit; instead of getting a title to the land, he gets a lease upon that land and receives no patent to any land.

We provided in this bill for the disposition of oil shale, it being a very extensive rock in certain Western States, notably Colorado and Utah, and some in Wyoming, as the record shows; and we made more liberal provision for its handling than for the other minerals named in the bill. We also provided for Alaska in regard to oil, the coal lands having been disposed of in Alaska by the coal-leasing bill some two years or more ago.

Then another important feature that has been added is the repealing clause provided for in section 28 of the bill, which protects those who have initiated claims upon the public domain, whether it is in reserved or unreserved lands. Of course the enactment of this bill repeals, unless there is a saving clause as to those who have claims, the law in regard to oil and gas

lands. As to coal lands, it is changed by adding a leasing provision, leaving the sale provision as it is now upon the statute books.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes. I did not take any time in general debate.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. RAKER. The provision in regard to coal, I want simply to say, leaves the law remaining as it is. A private individual can get 160 acres upon payment as provided in the statute. An association can get 320 acres upon paying the maximum and minimum price, and an association that has developed the claim and expended $5,000 can get 640 acres under the present law, under appraisement as provided by statute and regulated by the various departments.

This bill permits the leasing of all coal lands within or without the national forests and within the national monuments named, provided there are no prior applicants for the land as coal lands. There has been a good deal said about the law being all wrong and no developments under it, but there is more myth in that than anything else. The public have come to the conclusion that they desire a leasing bill, to dispose of the remaining public domain that contains coal by lease rather than by patent and the surrender of the title of the Government. That is done in a way that protects the lessee and the Government, and permits larger developments, by virtue of allowing a lease to the extent of 2,560 acres, under a royalty that is reasonable and also under reasonable conditions in regard to the working of the mine and the handling of the mine, conditions which prevent monopoly and take care of labor. In other words, the committee believe that the enactment of this law will, to a great extent, develop the coal resources of this country that are so great, and will at the same time supply coal for the country at a time when it is so badly needed.

Conditions are amply provided for in the bill, so that the surface entry may be used for homesteading and otherwise; so, as a matter of fact, we give the highest development to the land that can be given.

The next provision originally in the bill was in regard to potassium. That has been stricken out in the Senate bill and in the House bill, because by reason of an emergency the House passed the act approved October 2, 1917, providing for the exploration and mining of potassium under lease. So, as a matter of fact, we have simply coal, gas, phosphate, oil, and oil shale to provide for in this bill.

The oil provisions are intended to cover the lands in which there is oil or gas. As a matter of fact, from the testimony before the committee, and as a condition existing, practically all the oil lands have been withdrawn and are now within reserves, and are of two classes, namely, those under general withdrawals and those under naval withdrawals known as naval reserves 1, 2, and 3.

The bill takes care of those in the general withdrawals by giving some semblance of relief. It also attempts to provide for those in the Naval Reserve, because of the emergency, and because of the equity, and because of the justice, and practically but one reserve is affected, Reserve No. 2. The question as to remedial legislation that should be provided for those who have gone upon the public domain and have complied with the law, so far as making their application is concerned, has been held up to a great extent. What I say now refers to those who have made their applications, marked their claims, recorded their notice, and proceeded to develop, and in the naval as well as other reserves have actually discovered oil in paying quantities.

Criticism has been made as regards the placer-mining laws, as though the pioneers of the West were not familiar with the law or the application of its use. But, as a matter of fact, no one yet has been able to say that the lode and placer-mining law has not been beneficial to this country; that it has not assisted in developing the State wherein it was applicable and wherein the minerals existed. But a new mineral was discovered, so far as our public lands were concerned, in the way of oil. In order to get a valid claim, out of which even the Government could not defeat you under the placer-mining law, you must have discovered oil. The minerals are discovered by going and breaking a piece of rock off of the ledge and analyzing it, or by going upon the ground and digging a hole, taking out some of the earth, and washing it out in a pan or a horn or any other contrivance with which you can separate the dirt from the precious metal. Then if you posted your notice, put up your stakes, recorded your notice, and then recorded this discovery you got a valid claim provided you did $100 assessment work per year for five years. Then if you applied for a patent you would receive it. But in regard to oil, a man has to expend at least $10,000 before he can discover oil. That is the least amount, and the expenditure may run anywhere from $10,000 up to $500,000. Many of these wells were bored, thousands of dollars were expended in the development. The testimony in one case showed that $450,000 had been expended upon one claim, and they had not even then discovered oil, although they believed they would. But not having discovered it in paying quantity, a reserve was thrown around the land, because the party had not complied with the provisions of the law as to discovering oil in paying quantities, and it was claimed that the Government could take his title from him. Congress came in and relieved those parties, and passed an act which did relieve quite a number.

It gave relief in case of transfers from the original locators down to the man who actually developed. It then passed a further act permitting joint development, so that the best results could be obtained. The whole trouble was evident, because the man had a right to the possession of his claim. One man could get 20 acres; eight men could get 160 acres. They took various locations. They had to expend $100 each year upon the claims, and in addition to that, unless they actually made a discovery, they would lose their claim and no benefit would come from it. The grasper, the man who sits around the town and does nothing, saw the development going on. If a man made a failure, he had no interest. If he made a success of it, of course, then it was his effort to deprive that man of his claim. These practices went on from month to month and from year to year, until the Government took it up in the way of reserves, reserving those particular places where men through their knowledge, skill, ingenuity, and expenditure of millions of dollars determined, by geological examination after the oil had been actually discovered, that there was oil there; and then the reserves were made, the Government holding that the man had not before he made his application actually discovered oil in paying quantities. His claim was invalid, although Congress by supplemental remedial legislation had properly provided for that.

So the question is, What proper relief should be given to those who have given their time, their money, their expenditure in developing this country?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more, and then I shall not take up any further time until we get to another section.

Mr. TAYLOR of Colorado. Mr. Chairman, I would be very glad to grant that upon that promise.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, the committee carefully considered this matter, and I want to say frankly now that this report on this particular relief provision is not the judgment of the committee. It is a condition that confronts us and not a theory, however, and it will be submitted to the various departments to see whether the conferees can not come back and present something to the House on that one matter that will bring real relief. So far as the reservation of Naval Reserve No. 2 is concerned, that land, owned by the Southern Pacific and other individuals, land claimed by active claimants, if Members could see that they would see that it is checkerboarded with holes, and to take the land that these people claim would practically be a confiscation of their property and a turning of it over to those who own the private lands, as they would drain the land of the oil that is in it. So far as the Navy using the oil is concerned, it can not use it at the present time and may not for 50 years. While we ought to do all we can to conserve our resources, yet the shortage of oil in all of the Western States because of railroad transportation and the general development, in addition to that which is demanded by the war industries, is such that we should take this reservoir of oil, and the wells in it should be used to the highest capacity, and there never was such a time in the history of this country when it is demanding every ounce of oil in its lands as it does to-day, when, instead of reserving and conserving, we ought to develop it and develop every industry to the highest point of efficiency.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. SNYDER. I would like to ask the gentleman, assuming this bill becomes a law, will it increase the oil we now use known as fuel oil?

Mr. RAKER. Of course, if the President finds in his discretion that it is to the public interest and the provisions of the bill are enacted as they now stand, and these men are then permitted to bore more wells, yes; but the real thing ought to be to charge a royalty against these men who have expended their money and given their time, give them a reasonable part of the land, and let them go ahead. In other words, let them use wells that are bored and drilled to the highest capacity, drill all of the wells they can, and get more oil, to the end that our industries may be kept up and the wheels of progress may go around more rapidly, and that nothing may be retarded during this critical period.

The CHAIRMAN. The time of the gentleman from California has again expired. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to extend my remarks on the naval appropriation bill, which comes up to-morrow morning.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks on the naval appropriation bill. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 2. That classified coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided: *Provided*, That the right to purchase under this section is hereby expressly limited to persons qualified to acquire coal lands under section 2347 of said Revised Statutes. The survey of unsurveyed coal lands, for the purposes of this section, may be procured under sections 2401, 2402, and 2403, Revised Statutes, as amended by act of August 20, 1894.

Mr. ANDERSON. Mr. Chairman, I reserve the point of order on the section.

Mr. FERRIS. Mr. Chairman, it is not subject to the point of order. Let us have a ruling upon it.

Mr. ANDERSON. Mr. Chairman, if the gentleman wants me to make the point of order, I shall do it, and I desire to be heard upon it.

The CHAIRMAN. The gentleman will proceed with the point of order.

Mr. ANDERSON. Mr. Chairman, this section as now drawn authorizes the appropriation and sale of lands within the national forests, within the Grand Canyon and the Mount Olympus National Monuments. The jurisdiction of the Committee on the Public Lands is confined to the reporting of bills relating to public lands. The jurisdiction of legislation relating to the national forests and the national monuments has always been in the Committee on Agriculture.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. When I get a little further on.

Mr. MONDELL. Will the gentleman submit, for the benefit of the Chair, his authorities on that particular proposition?

Mr. ANDERSON. The Committee on Agriculture has always appropriated for and has always legislated in respect to lands in the national forests.

Mr. MONDELL. On the contrary, if the gentleman will permit, the Committee on the Public Lands has full jurisdiction with regard to all of the public lands of the United States, reserved and unreserved, so far as their disposition is concerned, and the Committee on Agriculture and the Agricultural Department have only certain limited jurisdiction with regard to administration.

Mr. ANDERSON. The gentleman is proposing that proposition and, of course, will sustain it if he can. I have a contrary opinion about it. However that may be, the fact still remains that the Committee on the Public Lands can not report a bill covering subject matter that has not been referred to it.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I will ask the gentleman to permit me to proceed for a moment. As I understand this bill, and as I am informed by gentlemen in both the Agriculture Department and the Department of the Interior, the Senate bill did not relate to the disposal of lands in the national forests or in these two national monuments. The Committee on the Public Lands is considering and has considered only the Senate bill, and that is the only bill that has been referred to it. That bill did not contain a provision for the disposal of lands in the national forests. Therefore there was no bill before the Committee on the Public Lands proposing or authorizing an appropriation and sale of lands in the national forests, and the rule is well established that where a bill covering a subject has not been referred to the committee the committee has no jurisdiction to report a bill covering that subject.

Mr. ELSTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. ELSTON. Does the gentleman know that the chairman of the committee has submitted two amendments proposing to strike from the operation of this bill the territory comprised in the national forests and the Grand Canyon and the Mount Olympus National Monuments?

Mr. ANDERSON. I wanted to reserve the point of order in order to get an explanation from the chairman of the committee as to what he intended to do, but the chairman of the committee insisted upon the point of order being made, and I made it.

Mr. ELSTON. I suggest to the gentleman——

Mr. MONDELL. Mr. Chairman, I would like to be heard on the point of order.

Mr. FERRIS. It is not subject to the point of order for very well-known reasons.

Mr. MONDELL. Mr. Chairman, the point of order is that the Committee on the Public Lands has no jurisdiction over lands in forest reserves and therefore can not legislate touching those lands. The exact contrary is the case. The Committee on the Public Lands has complete jurisdiction over all lands in the United States, including lands in forest reserves and in national monuments, and I will state for the Chair's information, if he is not fully informed on that subject, it is a fact that under the law the Committee on the Public Lands could bring in a bill abolishing all forest reserves; the forest reserves can not be enlarged except by a bill reported out of the Committee on the Public Lands. That is specifically provided in statute law. Not only that, but the Committee on the Public Lands continually legislates touching lands in forest reserves. Not very long ago it passed a bill providing for homesteads in forest reserves, and up to this good hour I have never heard anyone suggest that the jurisdiction of the Committee on the Public Lands is not complete over lands in forest reserves. If the Chair cares to go into the matter he will find the law provides that forest reserves shall not be enlarged, except by act of Congress, by bills reported out of the Committee on the Public Lands. I cite him to the forest-homestead bill reported out of the Committee on the Public Lands. All of the legislation that can be had on the subject must come from this committee. Now, this is true, that for administrative purposes purely the forest reserves were transferred, under a bill which I had the honor to introduce, from the Interior Department to the Agricultural Department. That transfer clearly and definitely was only for administrative purposes. The Committee on the Public Lands provides for rights of way which apply not only to the public lands but to the public forests—for instance, the right-of-way act of 1891, March 4, the right-of-way act of 1901, August 15, if I am accurate in my recollection of the dates—so there can be no question whatever about the jurisdiction of the Committee on the Public Lands over this entire subject, and no other committee has ever attempted at any time to legislate on the disposition of those lands other than for administration.

Mr. ANDERSON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ANDERSON. Assuming the Public Lands Committee has jurisdiction of the subject, it can not report a bill or a provision touching the subject matter which is not referred to it, and the question of lands in the national forests and of these two national monuments was not referred to it because they were not in the Senate bill when that bill was referred.

Mr. MONDELL. Mr. Chairman, the chairman is familiar with parliamentary practice. He knows perfectly well a bill dealing with coal and coal lands, oil and oil lands—and this bill deals with every acre of public coal land in the United States—when that comes before the committee having jurisdiction of the subject matter it can report legislation of any character with regard to those lands, and in this case the committee saw fit to provide in certain instances for sales and in certain instances for leases. The bill covers the entire subject. It involves and embraces every acre of public land in the public domain everywhere, and the committee is not bound to some provision that may have been in a bill referred to it. But assuming that that were the case, in order to knock the large remaining unstable prop from under the argument of the gentleman from Minnesota, the Senate bill which was referred is a bill to dispose of coal lands of the United States and of parts of the public domain and in an exceedingly liberal way, and

the only difference between the Senate bill and the House bill with regard to that matter relates to the character of the legislation.

Mr. RAKER. Will the gentleman yield for a question?

Mr. MONDELL. In a moment. Section 2 of the Senate bill provides:

That any citizen or any association composed of persons severally qualified by law to enter coal land—

And so forth—

may buy public coal lands at $10 an acre—

And so forth—

any quantity of vacant coal lands of the United States within any State or Territory of the Union not otherwise appropriated by competent authority.

The words "appropriated by competent authority" do not include and never did include the mere withholding of an area for a specific purpose, and even if they did the committee that has jurisdiction over the subject does not have to legislate along lines of the House that originated the legislation. If that were the rule then we might as well adjourn and go out of business and let the Senate do the whole thing. It is true that the Secretary of Agriculture, through an inadvertence, I have no doubt, or misinformation conveyed to him by some subordinate somewhere, did suggest the Senate bill did not refer to lands in forest reserves, but it does refer to them, and it is the most sweeping legislation in regard to those lands that has ever been presented to either of the legislative bodies of this Nation. I now yield to the gentleman from California.

Mr. RAKER. Is it not a fact that the Committee on Agriculture simply has jurisdiction as to the use of the land?

Mr. MONDELL. The Committee on Agriculture has no jurisdiction over any public land anywhere except for its use and administration.

Mr. RAKER. That is it; the question of title and the disposition of it is in the Committee on Public Lands?

Mr. MONDELL. Always.

The CHAIRMAN. Unless some gentleman desires to be heard further the Chair is ready to rule.

Mr. FERRIS. Mr. Chairman, just a word. This is not an appropriation bill. If it was the chairman would properly look with very close scrutiny to all matters of legislation, foreign in character, that might be in the bill. This is a bill having to do with the disposition of Government land, which duty has at all times been reposed in the Committee on the Public Lands. No one has ever attacked it before. Why, the Department of Forestry was only created about a dozen years ago and is merely an offspring and a mere fledgling of the Committee on the Public Lands, and for them now to assert lack of jurisdiction, on a bill dealing with the disposition of coal, oil, gas, and other minerals which are the property of the Government, that has at all times faithfully, undoubtedly, and unquestionably vested in the Public Lands Committee is so preposterous that I dare say the Chair does not want to be bored further with it. I ask for a ruling.

The point raised by the gentleman from Minnesota [Mr. ANDERSON], in brief, is this——

Mr. CRAMTON. Mr. Chairman, if I may have only half a minute I desire to call the Chair's attention to section 4197, volume 4, of Hinds' Precedents, which states:

The forest reserves created by setting aside portions of the public lands are, so far as legislation—distinguished from appropriation—is concerned, within the jurisdiction of the Committee on Public Lands.

And then it gives numerous instances where that jurisdiction has been exercised.

The CHAIRMAN. The point of order raised by the gentleman from Minnesota [Mr. ANDERSON], in brief, is this, that as the bill includes national forests and also the Grand Canyon and Mount Olympus National Monuments, therefore the Committee on Public Lands, to which this Senate bill was referred, has no jurisdiction of the subject.

The Chair differs with the gentleman. Whilst it may be true, and undoubtedly is true, that the Committee on Agriculture might have correlative power, it does not have exclusive power over this subject matter. It is also true, apparently, that the Committee on Public Lands has jurisdiction over the forest reserves in so far as executive and legislative functions are concerned, but perhaps not exclusively as to administrative functions. It is also true, as the gentleman from Oklahoma [Mr. FERRIS] has stated, that he proposes to offer an amendment in the future to exclude these different monuments mentioned, to wit, the Grand Canyon and Mount Olympus, and also the forest reserves. I quote from page 782 of Hinds' Precedents, as follows:

The Committee on Public Lands exercises jurisdiction as to such forest reserves as are created out of the public domain.

Therefore the point of order is overruled.

Mr. FERRIS. Now, Mr. Chairman, I offer the following amendment. I think the Chair inadvertently stated that I was going to offer an amendment eliminating the national forests. What I am going to offer is to eliminate the Grand Canyon and Mount Olympus National Monuments, because the law now authorizes the Interior Department to sell coal lands in the forest reserves, and I do not now, without committee consideration, desire to change the law in that respect.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amendment by Mr. FERRIS: Page 29, line 11, at the end of the section, insert the following:

"*Provided*, That this section shall not apply to lands within the Grand Canyon or Mount Olympus National Monuments."

Mr. FERRIS. Now, Mr. Chairman, just a word. The coal lands, according to the law as it now stands, and as it has stood since 1873, and with the amendment of 1907, provides for the sale of coal lands, both within and without the national forests, through the Interior Department. That is the law now. However, as to the Grand Canyon and Mount Olympus National Monuments that was not the law. It was first considered in the committee and then out of the committee and at both ends of the Capitol, and it was not desired to change the present coal-land law one way or the other. Therefore I offer the amendment to strike out the Grand Canyon and Mount Olympus National Monuments, so that the law will remain just exactly as it is now. If it needs attention in the future we can consider it carefully and act intelligently on it.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. RAKER. Wherein is the law not applicable to the Grand Canyon and Mount Olympus National Monuments, where there is coal land at the present time?

Mr. FERRIS. I am relying on the letter of the Secretary of Agriculture and also on conversations I had with representatives of the Secretary of Agriculture, that in the coal-land laws those national monuments were excluded. And I explained to him very carefully the committee did not desire to change the law in any way, and for that reason I was willing to move to strike those two monuments out. And so far as his request came to repeal the whole land law, as applied to 350,000 acres of forest reserve——

Mr. RAKER. As a matter of fact, though setting aside both of those reserves, the coal-land laws are still applicable?

Mr. FERRIS. I anticipate not. I assume when they were withdrawn from the reserve they were not subject to any entry of any sort. And that is not true of the agricultural reserve.

Mr. RAKER. I desire a few moments on that when you get through.

Mr. CRAMTON. The amendment the gentleman has offered to section 2 has reference solely to the coal lands?

Mr. FERRIS. That is all.

Mr. CRAMTON. Has the gentleman in mind any other monuments in reference to oil, phosphate, oil shale, and so forth?

Mr. FERRIS. I do not think so, because I do not think there is any objection to that. Of course, the drilling of an oil well in a reservation that carries a large area of coal land——

Mr. MONDELL. Will the gentleman from Oklahoma [Mr. FERRIS] allow me? The objection of the Agricultural Department, as I understand, I will say to the gentleman from Michigan [Mr. CRAMTON], was merely to the sale provision for coal, and they have no objection to the leasing provision.

Mr. CRAMTON. Do I understand that the Agricultural Department made objection to the provisions of the bill as written?

Mr. FERRIS. They wrote a joint letter that was handed to me when in the water-power committee meeting, and which I had read at the desk.

Mr. CRAMTON. And the Department of Agriculture has been called on repeatedly for some information prior to this report?

Mr. FERRIS. It was; and after that, and I sent it up, and I thought it was due to the committee to present it when I did. As the law now stands, the Grand Canyon and the Mount Olympus National Monuments are only 2 out of 30 of the national monuments that are under the jurisdiction of the Department of Agriculture. All of the rest of them are under the Interior Department. These two monuments, as the law now stands, are not subject to coal-sale law, and he hoped we would not make them subject. His second purpose was to repeal the coal-land-sale law, which has now full application to the forest reserves, and strike it out. I do not believe we ought to do that without some committee consideration. This bill has been before Congress for five years and no objection was ever made before.

Mr. ELSTON. Does the gentleman mean to say as to the other 28 national monuments under the jurisdiction of the Interior Department, that the operation of this law goes without restriction? Why should the policy, then, as to national monuments be different under the Agricultural Department than with the 28 under the Interior Department?

Mr. FERRIS. The only reason is they are up here asking it, and you would have a continuation of the controversy that is constantly going on between the Agricultural Department and the Interior Department, practically stepping on each other's toes. This divided jurisdiction has always been very doubtful of propriety and good sense, and any unwarranted jealousy only enhances the doubt.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. MONDELL. Is there not another fairly good reason, and that is the reason why we may accede to the requests of these gentlemen without doing any harm, which is that there is not any coal on either the Grand Canyon or Mount Olympus National Monuments?

Mr. FERRIS. It is a better reason than any other that I know of, and I am willing to take that one. But let me suggest to the gentleman from Michigan [Mr. CRAMTON] that there are 365,000,000 acres of forest reserve, a tremendous area, in the United States, and that area is being enlarged occasionally. Now, to say, after we passed a great national act here, that because 10 or 12 years ago a certain jurisdiction was slipped from one department to another we should take no intelligent action as to that and even repeal laws that now exist is to say something which, in my judgment, is not the thing to do.

Mr. CRAMTON. What puzzles me is that the committee had this bill before it for exhaustive hearings——

Mr. FERRIS. That is true——

Mr. CRAMTON. And the departments were fully advised, and were given full opportunity to present their views——

Mr. FERRIS. Yes; and the bill passed the House twice before——

Mr. CRAMTON. And now, after it has been pending, they seek to have us make a radical change, although no one outside the chairman understands the scope of it. It seems to me it is asking a great deal on the part of the department to ask that that action be taken.

Mr. FERRIS. The reason I am offering this is to leave the law exactly as it is.

Mr. CRAMTON. If we do not pass the bill, the law will remain as it is as to all provisions?

Mr. FERRIS. Certainly.

Mr. CRAMTON. And it was our desire to bring about legislation?

Mr. FERRIS. Certainly it was.

Mr. CRAMTON. Personally I think we ought to ignore that sort of a request.

Mr. FERRIS. The House can do what it likes, of course. I thought it was my duty to present these amendments to the House and to call them to the attention of the House. I rather think that if we did repeal it as to these two amendments, or strike it out as to these two amendments, and leave the national forests precisely as they are, we will have done no damage. That is all I ask to do.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Minnesota.

Mr. ANDERSON. I do not want to open up a large subject, but this bill, as I understand it, provides for the leasing of all lands specifically referred to, in oil, phosphate, and so forth, but it includes coal and provides, in addition, for the sale of coal lands?

Mr. FERRIS. No; we leave the law just as it is.

Mr. ANDERSON. But you apply two methods in the case of coal, and you leave the law as it provides for the sale just as it is?

Mr. FERRIS. That is so.

Mr. ANDERSON. So that the two provisions are not treated exactly alike in the bill?

Mr. FERRIS. You mean the coal and the oil?

Mr. ANDERSON. Yes.

Mr. FERRIS. That is true.

Mr. LA FOLLETTE. Mr. Chairman, I question the advisability of the Congress making exceptions in the handling of these two national monuments any different from the handling of the entire number that have been created.

I know nothing about the coal possibilities of the monument comprising the Grand Canyon of the Colorado, but I am satisfied that the Agricultural Department knows practically nothing about the coal possibilities in the great Mount Olympus National Monument. It may be underlaid with thousands of tons of the most magnificent coal, so far as they know. It is a monument of vast extent and immense possibilities. When it was set aside it had been but little explored and was largely inaccessible at the time it was created. I question the advisability of our making an exception in regard to two national monuments and the handling of the rest in a different manner. I hope that this amendment will not prevail.

Mr. RAKER. Mr. Chairman, ordinarily I do not want to criticize anybody or anything, but this bill has been before the committee and the House for six years. The committee thoroughly and industriously considered it, and it was one of the purposes of the bill—and no objection was made—that the many millions of acres of land that are in forest reserve should be excluded, so far as oil is concerned, or gas, or potassium, or phosphate, or coal; and at the last minute, without a hearing before the committee, the department asks now that fundamentally the bill be changed and that over half of the territory covered by the bill and over half of the lands that now belong to the Government be excluded from its operations.

No one can raise any objection that it will affect the forest lands to use them for all these purposes. Clearly if there is any coal land in any of these national monuments or in the Forest Service that can be accessible or can be used under this leasing bill, it ought to be used. The very object and purpose is to utilize these minerals and get some use of them. It is said private individuals should be prevented from getting title to them. Now, an attempt is made to legislate, to withhold title, to keep the title in the Government, but at the same time put around them proper regulations and restrictions and lease the land to the man, or the men, or the company, or the corporation that desires this coal for proper use. At the same time it can not injure anyone or affect anyone. When now, at the last minute, this kind of an amendment is introduced, I do not think the committee ought to adopt it.

I want to call your attention to the fact that if, as a matter of fact, the law of sale of coal land does not apply to these monuments, we do not reenact it, do we? Therefore there can not be any objection. That is true. There is no question about it. There are two conditions existing. If, as stated by the gentleman, there is no coal in either of these reserves, then it would not affect the Agriculture Department. But I am willing to say for the sake of argument that there is coal in both of them. We are now enacting a leasing bill, and anyone who is familiar with the forest reserves knows that you can not damage them, you can not injure them, you can not affect them, and you will not in any way destroy the watershed or the trees, or few, if any, by properly developing and taking out the coal that is in those lands, and then reserving and using it. It may be in places close to the towns and railroads. I trust that the committee will not adopt these amendments. Our chairman does not want them, either. [Laughter.]

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

Mr. ANDERSON. To the amendment offered by the gentleman from Oklahoma I desire to add after the word "lands" the words "within national forests or."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Minnesota to the amendment of the gentleman from Oklahoma [Mr. FERRIS].

Mr. ANDERSON. I desire to be heard on that. I have very great respect for the judgment of the committee and for the gentlemen who compose the Committee on the Public Lands. I think they have accomplished a very good job in reporting this bill as a whole. But I hope that the gentleman from California [Mr. RAKER] does not wish us to understand that when the Committee on the Public Lands completed the consideration of this bill the sum total of human wisdom had been expended on it, and that no one ought even to make a suggestion as to how it might be amended. I do not know very much about public-land legislation. The gentlemen connected with the Forestry Service, who are somewhat interested in legislation that affects this service, have suggested to me some of the things which would be possible in the operation of this section, which makes lands in the Forest Service subject to appropriation under the coal-land appropriation act.

I want to submit and have read from the Clerk's desk a memorandum prepared and submitted to me this morning by gentlemen in the Forestry Service of the Agricultural Department, which relates to the amendment to the amendment that I have just offered.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

MEMORANDUM.

MAY 21, 1918.

Some of the reasons why coal lands in the national forests should not be sold, but acquisition of coal limited to subsurface rights:

1. The coal-land sale provision enables a purchaser to secure valuable timberland by paying the Government the appraised price placed on the coal only. In this way lands worth $100 an acre for their timber may be acquired by paying the minimum price of $10 per acre for them as coal lands. The Interior Department has never been able to find authority for including the value of the timber in the price placed on the coal land. There are cases of this kind actually pending now.

2. Even if the purchaser were required to pay for both coal and timber in the national forrest, such timber would, of course, be cut under ordinary lumbering methods, and the resulting slash and débris would remain a fire menace to surrounding national-forest timber, a menace beyond Federal authority or control.

3. Such intermingled private land in the national forests where the surface is not actually needed or used for mining purposes would form an unnecessary obstruction to handling forest lands as a unit for any given purpose—grazing, timber sales, protection of city watersheds against pollution, construction of unit improvements, such as roads, trails, telephone lines, fire breaks, and the like.

4. Lands which are already reserved for public purposes, such as timber production or watershed protection, should not be sold under the coal law, for the reason also that the surface, which is valuable for public purposes, is needed only to a very limited extent in coal development and operation, and in many instances not at all.

5. The lands will still have great and permanent surface value for timber production and watershed protection after the coal bodies are exhausted. Their utility for national-forest purposes is permanent. The permanent title should therefore remain in the Government.

(Signed) HENRY S. GRAVES, *Forester.*

Mr. ANDERSON. Mr. Chairman, I think it is unfortunate if it is true—and I take the word of the gentlemen of the committee for it—that the matters stated in this memorandum were not presented to the Committee on the Public Lands. But, Mr. Chairman, that is no reason why they should not be presented to this House and considered by the House.

The Forestry Service make no objection to the leasing of coal lands under the provisions of this act. They desire this legislation so far as it does provide for the leasing of coal lands; but it does seem to me that the suggestions presented by this memorandum are very strong reasons why coal lands within the national forests ought not to be sold outright, and without any power on the part of those administering the forest reserves to protect the forest rights in the reserves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. ANDERSON. All this amendment seeks to do is to reserve these lands from sale, not from lease, so that the Forest Service can preserve the right of the Government and the right of the people, to make best use of the forests in connection with the use of the coal. I think that notwithstanding the fact that the gentlemen on the Committee on the Public Lands say that this proposition has not been considered by them in committee it ought to be adopted by the House.

Mr. TAYLOR of Colorado. Mr. Chairman, the effect of the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] is this: At the present time and always there has been a law on our statute books authorizing coal lands to go into private ownership, both in and out of the forest reserves. No one has ever seriously made any effort heretofore to repeal that law. It has been the law of the country for 50 years, since long before the forest reserves were created. When the forest reserves were created that law was not at all changed. Now, without this amendment having been considered by the committee, without either House ever having had an opportunity to consider it, this amendment is slipped in here by which it is sought to repeal that law, and to allow no private ownership whatever of any coal lands within the forest reserves in the United States or Alaska. That is what it amounts to. As a matter of fact probably two-thirds of all the public coal land in the West to-day is within the forest reserves, and, as a matter of fact further, probably two-thirds of all the forest reserves of the West have not one stick of merchantable timber on them. The Legislature of the State of Colorado several years ago memorialized Congress to the effect that two-thirds of all the 14,000,000 acres of forest reserves within my State do not have a particle of timber on them. They might have further memorialized Congress to the effect that on the lands in the forest reserves it requires a thousand years to grow a tree large enough for commercial lumber purposes. So that any talk about timber on a large part of the forest reserves or about reforesting the forest reserves in the mountainous portions of the West is absolutely impracticable and foolish.

It is not only foolish but not in good faith, because anybody that knows anything about it knows the utter impracticability of reforesting mountainous lands in high altitudes of the arid West. Now, they say that the coal lands may sell for $10 an acre. That is just as deceptive as the rest of it. There is no coal land that is being sold for $10 an acre and has not been for 10 years. There has been practically no coal land sold at any other price for years, because the coal land is only sold at the price at which it is appraised, and the department takes mighty good care to see that the land is appraised so high that nobody can buy any of it. That is the policy and the condition of the West, and for that reason it is, practically speaking, an absolute deception for anyone to say that coal lands will be sold for $10 an acre.

All of the five reasons set forth in the memorandum offered by the gentleman are utterly without foundation, and when you attempt to repeal in this manner a great law that has been so long in effect, applying to some 350,000,000 acres of land in the West, it certainly does not accord with my idea of good judgment or frankness. I want to say that there is not a man in this House living west of the Mississippi River that wants an amendment of this kind for his State, and it seems to me the wishes of the people of that country ought to have something to do with determining the question.

Mr. CRAMTON rose.

The CHAIRMAN. Does the gentleman rise in opposition to or for the amendment?

Mr. CRAMTON. I rise in opposition to the amendment. Mr. Chairman, section 2 of the bill is really a preservative section, a section which is intended to make it clear that this bill does not repeal, and is not intended to repeal, existing laws for the disposal of coal lands. The balance of the coal sections permit the leasing of coal lands, and there might have been an inference that having provided a leasing method, the method of sale had been repealed, and in order to guard against that possibility section 2 has been put in.

As I understand it, all of the 365,000,000 acres of forest reserve can under existing law be sold under the sections here enumerated for the sale of coal lands. I do not understand that they are being so sold, and I do not understand that there is any particular danger that they will be. It seems, as to these two monuments, by reason of some exception, there is a little change made unless the amendment of the gentleman from Oklahoma as offered is put in. As to the amendment of the gentleman from Minnesota, its effect is not to preserve the existing law but to alter existing law. We have been under that law for a great many years and the national forests have not been sacrificed by reason of it and will not be so sacrificed. The committee had the bill before it a long time, and the department did not see fit to communicate its fears or its wishes to the committee, and I personally feel opposed to putting such amendment in on the floor of the House affecting such an expanse of public lands, and I feel that it ought not to be adopted in this way.

Mr. MONDELL. Mr. Chairman, the amendment offered by the gentleman from Oklahoma, the chairman of the committee, is harmless enough. There is not any coal, as far as I am informed, and I am quite confident there is not any in the Grand Canyon or the Mount Olympus National Monuments reservations. So the probability is that the amendment offered by the gentleman from Oklahoma would have no effect at all. As a matter of grace and acquiescence in the wishes of the Secretary of Agriculture, it might be all right to adopt it if it did not establish a precedent.

There are a good many things in the bill that are not as they ought to be, and the Agricultural Department has made no suggestions. There are many things that a number of us would like to have amended, but they will not be amended, and I do not know why in the eleventh hour, the third time the bill has been considered, the Agricultural Department should suddenly discover that the national forests are greatly jeopardized.

No land containing coal, or supposed to contain coal, can be sold until it is appraised, and the appraised prices are notoriously high, so very high in fact that no one is buying any coal land. There will be very little coal bought under this provision. It is a useful provision, no doubt, because it may enable present operators and future operators to buy a small 40 or 80 acre tract to round out their holdings, but as far as anybody being in a considerable hurry to buy coal land at the present appraised price and open a coal mine it is ridiculous.

Lands containing coal of any commercial value are valued at $40 or $50 to $500 an acre. If there is a little scattered timber on these surfaces, the appraised value is high enough to cover the value of the timber as well as the coal. It is a very excellent thing to continue these provisions of the law in order that they may be utilized in the limited class of cases and under the conditions in which they are likely to be utilized. The na-

tional forests are not going to suffer thereby. The probability is there will be very few sales of national-forest lands.

Mr. FERRIS. Mr. Chairman, the gentleman from Minnesota [Mr. ANDERSON] very properly has been here as spokesman for the Agricultural Department, and he felt that he had a duty to perform in offering this amendment. If the amendment of the gentleman from Minnesota [Mr. ANDERSON] is rejected, it will leave the coal-land law precisely as it is now. If my amendment is adopted we also leave the coal-land law precisely as it is now, without any change, and in honor and in justice we ought to do that thing. I have had a very long pull here, and a very great lot of work to do to get a bill out here at all, providing for the leasing of coal lands and leasing of oil lands. The people of the West want title; they do not want any leasing at all, and they do not want to pay the Government anything at all, and it has been a very great task on the part of some of us, and we have had to bare our backs to the whips and scourges of the people in the West who objected to any sort of regulation, any sort of leasing law. They object to anything where the Government has any right at all to supervision over it. Now those who have fought the battles along that line ought not to disrupt here, and ought not to change it. The representatives of the West have very kindly submitted, not so willingly, but have submitted to the leasing law, and we ought not to offer a cure for all the ills at one sitting, but make another bite at the cherry——

Mr. LA FOLLETTE. Does the gentleman mean to suggest the law is any different in regard to those two monuments you want to——

Mr. FERRIS. Yes; I do, if the gentleman will pardon me. When those two monuments were withdrawn, they of course were reserved from all sorts of entry and sale. Our provision in the bill puts them back in, and we ought to strike it out. This will do no damage, as they do not have any coal in them anyway.

The CHAIRMAN. The time of the gentleman has expired.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota to the amendment of the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chair announced that the noes appeared to have it.

On a division (demanded by Mr. FERRIS) there were—ayes 33, noes 8.

So the amendment was agreed to.

The CHAIRMAN. The Chair understands the gentleman from Oklahoma offers another amendment?

Mr. FERRIS. Mr. Chairman, the action of the House just taken on the first amendment was in reference to the elimination of forest reserves, and likewise to restore the two monuments; so if the second amendment is inserted it would have no application.

The CHAIRMAN. The gentleman withdraws the amendment.

Mr. FERRIS. I was not aware it was offered; it was merely read for information.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States outside of the Territory of Alaska, into leasing tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding 2,560 acres in any one leasing tract; and thereafter the Secretary of the Interior shall, in his discretion, from time to time, upon the request of any qualified applicant or on his own motion, offer such lands or deposits of coal for leasing, and, upon a royalty fixed by him in advance, shall award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any qualified applicant: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal lands or deposits of coal in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder. That such a railroad or common carrier may be permitted to take under the foregoing provisions not to exceed one lease hereunder upon and for each 200 miles of its line in actual operation. The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease, and any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier, but shall not include spurs, switches, or branch lines operated by any lessee and necessary to connect the mine with the line or lines of any railroad or other common carrier.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I have a letter written by the Commissioner of the General Land Office to Senator UNDERWOOD, which I send to the Clerk's desk and ask to be read.

The CHAIRMAN. Without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

GOVERNMENT-OWNED COAL LAND AND COAL DEPOSITS IN ALABAMA.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 18, 1918.

Hon. OSCAR W. UNDERWOOD,
United States Senate.

MY DEAR SENATOR: Referring to your personal call on the 14th instant, with reference to Government-owned coal lands and coal deposits within the State of Alabama, the act of March 3, 1883 (22 Stat., 487), provides, in part—

"That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposition only as agricultural lands: *Provided, however*, That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale. * * *."

Under the terms of the act cited, public lands in the State of Alabama, which were owned by the Government on the 3d day of March, 1883, were, on and after said date, subject to disposal only as agricultural lands (18 Fed. Rep., 709), regardless of their character as mineral or nonmineral and regardless of whether they did or did not contain coal or iron or coal and iron, with this restriction, however, that as to public lands in said State which had been, prior to said 3d day of March, 1883, reported to the General Land Office as containing coal and iron, they should first be offered at public sale by President's proclamation (3 L. D., 171).

The provisions of the Federal coal-land laws (secs. 2347–2352 R. S., U. S.) ceased to operate within the State of Alabama from and after the passage of said act of March 3, 1883 (6 L. D., 501). Coal lands in said State not within the purview of the proviso above quoted were, after March 3, 1883, subject to disposition only as agricultural lands; but as to the lands within said quoted proviso they could not be sold as agricultural lands unless it first appeared that they had been, after March 3, 1883, by proclamation of the President, offered at public sale.

"The object of the proviso of the act of March 3, 1883, evidently was and is to except from or take out of the operation of the declaration in the act that mineral lands shall thereafter be disposed of as agricultural lands, that class of lands which had previously been reported to and dealt with by the General Land Office as mineral lands, and thus prevent them from falling back into the system applicable to agricultural lands, until they shall first be offered at public sale with a view that the Government might receive the benefit of such enhanced value as may have attached thereto by reason of their having been classed as mineral; but it is also evident that the offering at public sale contemplated by said proviso is a future thing." (Excerpt from 8 L. D., 75.)

I am unable to find that the lands referred to in said above referred to and quoted proviso have ever been put in the market and offered at public sale.

By the act approved March 27, 1906 (34 Stat., 88), it was provided:

"That the Secretary of the Interior be, and he is hereby, authorized to reclassify the public lands of Alabama, so as to determine which of said lands are in fact agricultural lands and which mineral lands, and to decide which of said lands shall be subject to homestead entry, and to that end he is hereby authorized and empowered to employ such expert mineralogist, assayist, and civil engineers as may be necessary to designate and survey said mineral and agricultural lands.

"SEC. 2. That upon receipt of the report of the parties designated to make such classification, all lands designated thereby as agricultural shall be subject to homestead entry as such."

Following the passage of said act of 1906 the Secretary of the Interior reclassified such of the public lands in Alabama as were reported prior to said 3d day of March, 1883, as containing coal and iron, except certain tracts which were erroneously omitted from the list of lands to be reclassified, and on the 17th of August, 1907, transmitted to the register and receiver at Montgomery, Ala., what were designated as schedules "A" and "B," said schedule "A" consisting of a list of those tracts of lands so reported which are now classified as agricultural lands and said schedule "B" consisting of a list of the lands which are now classed as mineral lands and which are unappropriated except by pending homestead entries. Concerning the lands in said schedule "B" it was stated (36 L. D., 109) that "their status is not affected in any manner by the passage of the act of March 27, 1906, nor by the present reclassification. Until said lands shall have been offered for sale, they will not be subject to entry of any kind."

It was stated in the letter to said local land officers that as to the tracts erroneously omitted from the list of lands a supplemental report would be made, and that as to the entries embraced in said schedule "B" which were suspended prior to the act of March 27, 1906, same were to remain suspended pending further action.

Said schedule "B" embraces approximately 68,000 acres of land in the vicinity of the Warrior field as mineral land valuable for coal. A report on a part of this field may be found in United States Geological Survey Bulletin 400, pages 170 to 189, and folio 179. A report on the northern part of the Cahaba coal field east of the Warrior Basin was published in 1906, Bulletin 316, pages 76 to 114. These bulletins may be obtained from the United States Geological Survey.

On the 23d day of April, 1912, it was provided by an act of that date (37 Stat., 90):

"That unreserved public lands containing coal deposits in the State of Alabama which are now being withheld from homestead entry under the provisions of the act (of Mar. 3, 1883) may be entered under the homestead laws of the United States, subject to the provisions, terms, conditions, and limitations prescribed in the act of June 22, 1910" (36 Stat. L., 583).

And in paragraph 5 of the May 24, 1912, circular, in 41 L. D., 32, under said act of April 23, 1912, it is stated that—

"There is at this time no law which provides for the disposition of the coal in these lands.'

It would be impracticable, with the limited force at hand, to give in detail the exact status, by 40-acre tracts, of said approximately 68,000 acres of land. Some of this land, both surface and subsurface, is owned by the Government, while as to other portions thereof the surface has been entered under the homestead law and said act of 1912 with a reservation of the coal deposits to the Government.

The said statement that there is at this time no law which provides for the disposition of the coal in these lands refers to the coal which has been reserved to the Government by homesteaders who have made homestead entries under the homestead law and said act of 1912. One of the provisions of said act of 1910 referred to in said act of 1912 is (sec. 3 of said act of 1910) that "the coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal," but, as has been heretofore stated, the coal-land laws are not now and have not been since 1883 in force in the State of Alabama, and so the coal deposits reserved by homesteaders to the Federal Government, where their entries are made under the homestead law and said act of 1912, can not be sold under the coal-land law; neither is there any existing law whereby they can be put on the market by presidential proclamation or otherwise, it being obvious that a mere deposit of coal situate in land the surface of which has been disposed of under provisions of laws heretofore mentioned can not be disposed of as agricultural land or as a homestead entry.

As to the land and the coal in the land mentioned in said schedule "B," same may, in any case where there has been no entry thereof under the homestead law and said act of 1912, and where there has been no withdrawal or reservation thereof, be disposed of by proclamation of the President by public sale (42 L. D., 489).

From the foregoing it will be noted that of the 68,000 acres in Alabama of coal land or land in which there are reserved coal deposits the said reserved deposits are not now subject to disposition under any law, and the coal lands for which no surface entries have been made are still controlled by the old act of 1883, as modified by the act of 1912, allowing the disposition of the surface. It is reasonably certain that the language of the proposed leasing bill (S. 2812), or House substitute therefor, will not reach the coal lands on which no surface entries have been made, and it is more or less doubtful whether it will reach the coal deposits in the lands for which surface entries have been made. Manifestly this is an unsatisfactory situation. At any rate, if it is desired to make the general leasing bill applicable to Alabama coal lands and reserved coal deposits, adequate language to that end should be inserted in the leasing bill so that there will be no doubt about it. This could be accomplished by insertion in the bill as reported by the House (H. Rept. 563 on S. 2812), after the words "United States," line 20, page 28, of the words "including the coal land and coal deposits referred to in the acts of March 3, 1883 (22 Stat., 487), March 27, 1906 (34 Stat., 88), and April 23, 1912 (37 Stat., 90).

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Mr. HUDDLESTON. Mr. Chairman, I apologize for having taken the time of the committee to have the opinion read. Those who have followed the reading see that the question involved is a matter relating only to Alabama coal lands owned by the Government. It appears that these lands are held under certain acts which are not generally applicable, which are applicable perhaps only to Alabama, and that the commissioner is of opinion that under this bill, in the form in which we are now considering it, these lands will not be affected by it. Now, it is for the purpose of putting Alabama lands on exactly the same footing as other lands—and undoubtedly the bill was intended to do that—that I have risen. It seems to me we ought to have this bill applicable to all sections of the country. It was evidently intended to be so drawn. The chairman of the committee thinks it does so apply, and I agree with the commissioner that we should not leave any doubt remaining on that subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. HUDDLESTON. With a view to correcting this defect, I ask unanimous consent to return to section 2 of the bill, so that I may offer an amendment to incorporate in the statute the words which the commissioner suggests.

Mr. RAKER. Mr. Chairman, reserving the right to object——

The CHAIRMAN. One moment. Let the Chair state what the request is. The gentleman asks unanimous consent to return to section 2 for the purpose of amendment. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Chairman, I want to say to the gentleman that placing the amendment that the gentleman suggests at the point suggested—on page 28, line 20, after the words "United States"—if it means anything at all, it disposes of the coal lands in Alabama under the sale provision and not under the leasing provision. And that is not what he wants, is it? He wants to make the coal lands in Alabama subject to lease, does he not?

Mr. HUDDLESTON. I want to put the coal lands in Alabama on the same footing as coal lands elsewhere.

Mr. RAKER. In other words, what I am getting at is this: Do you want to put the coal lands of Alabama under lease under this bill?

Mr. HUDDLESTON. I want to make the amendment that the commissioner suggests. That is to say, to take away from the bill any doubt that there might be any special situation or condition applying to Alabama that does not apply to other lands. Now, the commissioner does not give any opinion as to the matter of lease, and I will not seek to make any change there.

Mr. RAKER. What I am getting at is this: That by this amendment, if it is intended to make applicable the present coal mining law, you authorize the sale of the Alabama coal lands and not lease them.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. MONDELL. Is it necessary to amend the bill in order to include Alabama? Really I have always thought that Alabama was in the Union, but if it is not we ought to bring it in.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HUDDLESTON] has expired.

Mr. RAKER. Mr. Chairman, I am reserving the right to object to the request.

Mr. MONDELL. If that is necessary, the amendment should be in the first section. Then all the provisions of the bill will apply.

Mr. RAKER. What I am trying to get at and to call the attention of the gentleman from Alabama and other members of the committee to is, that if the amendment goes in at the point suggested, it might simply make the general coal-land law applicable to Alabama, when, as a matter of fact, his intention is to dispose of the Alabama coal lands under lease.

Mr. MONDELL. But, if it goes in the first section, it covers both.

Mr. RAKER. Absolutely, and it ought not to go into this place.

Mr. CRAMTON. I will object to that request for the reason stated. I think, if the gentleman will put it in line 8, after the word "including" in section 1, he will accomplish what he wants.

Mr. HUDDLESTON. I will say that I am offering it at the point where the commissioner says it ought to be. He has given the subject careful consideration, and I know that this is his opinion, and I would rather accept that than to take my own opinion offhand.

The CHAIRMAN. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object——

Mr. FERRIS. I object.

Mr. RAKER. Mr. Chairman, I want to suggest to the gentleman that if he wants to get that amendment in why could he not put it in——

Mr. CRAMTON. Line 8, section 1.

Mr. RAKER. I have got a better place. Section 3, page 29, line 15, after the word "States."

Mr. CRAMTON. That only applies to the leasing. If he puts it in section 1, it will apply to both leasing and sale.

Mr. FERRIS. Let me suggest to the gentleman from Alabama something. There may be something to the suggestion of the gentleman from Alabama, but it is very questionable if we ought to accept an amendment of this sort without looking into it. This bill will be in conference, and we could take it up then, and I can go over it with the gentleman from Alabama.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that I may have 10 minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, referring for a moment to the matter of these Alabama coal lands, I am somewhat familiar with the legislation that has been refefred to. It was reported while I was a member of the Committee on Public Lands, and I think there is no manner or sort of doubt but that these Alabama coal lands are included within the provisions of this bill. Alabama is a State of the Union, and the public lands in Alabama have no different status from any other public lands that would exempt them from the provisions of this act.

But, Mr. Chairman, I want to discuss for a moment the provisions of this section. Section 3 evidently contemplates the dividing up by the Secretary of the Interior of the public lands into leasing blocks.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Into such tracts and areas as in his opinion will promote the most economical mining of the coal. I will yield to the gentleman briefly.

Mr. RAKER. That idea of blocks is stricken out of the bill. We do not put the blocks in the bill at all.

Mr. MONDELL. The committee has transformed the blocks into tracts. There is some difference between tweedledee and tweedledum, but there is no difference between blocks and tracts

when it comes to a matter of this sort, so that it is a distinction without a difference.

I have discussed this matter several times before the committee, and I have some hesitation about taking up the time of the committee further in discussing it, except in the hope that in the conference, when all these matters will be considered, we may secure a better plan for coal leasing than is provided for in this section. We tried the dividing of the coal lands up into blocks and tracts in Alaska, but without any considerable success. We would have done better if we had said to the prospective lessee: "Go out into these fields, do your own prospecting and developing, and block out an area upon which a mine can be developed; bring us your application; we will examine it, and if you have what seems to be a proper area for an economic mine we will lease it to you."

It has developed that what was done and what is now proposed was not wise as applied to Alaska, but it did not cost us very much, because Alaska's coal areas are small as compared with the coal areas of the country generally. But as applied to the multiplied millions of acres of coal lands of the country generally, this means that a bureau of the Government would be expected to go out on the public domain and spend vast sums of money in dividing the public land up into leaseholds. No one can satisfactorily do the developing work, do the prospecting work necessary for the proper opening of a mine other than the man who himself desires to open the mine. This plan will be expensive and will not be in the public interest, in my opinion.

Further than that, the bill ought to provide for a prospecting permit. The committee wisely provided for a prospecting permit on oil lands. It is even more important that there should be a prospecting permit on coal lands.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Whether rightly or wrongly, they insist that they know where the coal deposits are. They claim that in drilling they know precisely where the deposits are, and they know of no valid reason why there should be prospecting at all. That was their statement to the committee.

Mr. MONDELL. I will say, Mr. Chairman, that in one case I personally prospected for two years a certain coal field, and the people with whom I was associated invested something like $90,000 before we had developed the facts necessary to justify the opening and development of a mine. Why, the Government has spent large sums prospecting some of those blocks in Alaska. Of course the coal is there, of varying thickness, dip, depth, and quality; but the determination of the question as to where the vein shall be attacked for successful and economic mining, the question of the areas that are reachable from the entries made—those things can not be determined from any superficial examination in any coal field on earth, save perhaps fields like some parts of Illinois or Pennsylvania, where the vein lies at about an equal distance from the surface everywhere and is exceedingly uniform. On much of the public lands of the United States the character and the thickness of the vein changes rapidly, the dip varies greatly, and a very considerable amount of prospecting is necessary in order to determine where a mine can be economically opened and operated. Among other questions to be determined are those relating to the location of loading tracks, where the necessary housing for the employees may be provided, where transportation facilities may be made available. There are a score of things, all having their bearing on the question of where a vein should be opened or attacked, and the size and location of the area surrounding that opening necessary for the proper development of the mine.

Mr. MADDEN. Is the price made uniform in this leasing bill—for coal, for instance?

Mr. MONDELL. No. The leasing price is not less than 2 cents a ton, and such higher royalty as the Secretary of the Interior may fix; and then, in addition to that, all leases are subject to bidding, and the lease goes to the highest bidder. The longest pole and the thickest and biggest pocketbook gets the persimmon.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. What suggestion has the gentleman now?

Mr. MONDELL. I have offered amendments to remedy the situation on two previous occasions.

Mr. RAKER. Let me finish my question. This bill gives a man extra territory for mills and sites and grounds and rights of way.

Mr. MONDELL. That does not suffice. A man must have the opportunity to go out into the field and find out the thickness and quality of the vein, to learn whether the vein is continuous, to study its dip, and to determine all those things that are necessary, except where the land is lean and unbroken, and the vein is of uniform depth and dip, before he can intelligently open a mine and conduct it with success.

The bill makes no provision for that at all. The gentleman asks me what I would suggest. I have offered amendments here on different occasions affecting that situation, but for some reason or other the committee has not seen fit to adopt them. I still hope that when this bill goes into conference that matter will be given consideration, and that first there will be given a prospecting permit, and following that prospecting permit there shall be a lease granted. I would have a very different provision as to the lease than that contained in this bill.

In my opinion, we shall never have satisfactory coal development under a system that proposes leasing under bids. In the first place, it excludes any man and every man of ordinary means wherever he is in competition with individuals or corporations of great wealth. In certain sections of the State of Colorado no one would have much prospect of opening a coal mine if the Colorado Fuel Co. desired to compete against him under the provisions contained in this bill. In other sections no man of ordinary means could hope to open a coal mine if one of the great corporations operating there saw fit to bid against him. They could bid a cash bonus so high that no man of ordinary means could afford to pay it. When the great bonus is paid, it is a little money in the Treasury, it is true, but the public will pay it back many times over in the increased cost of their fuel.

It is not a wise plan. It was never a part of the plan or purpose of those who originally proposed this kind of legislation. The Secretary of the Interior should be given discretion to impose the amount of royalty that he deems wise under the circumstances, preferably within limits provided by law. And then he should lease the property under conditions that will warrant its economical development. This system of bids and bonuses is a system which will concentrate both coal and oil in the hands of great corporations. This plan does not give the man of ordinary means any chance at all wherever a man of large means or a corporation of large means sees fit to bid against him, and it is not the sort of legislation that we should encourage.

Mr. MADDEN. Has it not always been the policy of the Democratic Party to work against monopolies? And does the gentleman pretend to say that now the Democratic Party are in favor of monopolizing?

Mr. MONDELL. I hope no one intends to encourage monopoly, but it will inevitably lead to monopoly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask that the gentleman from Wyoming have one minute more in which to answer a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Wyoming be extended one minute. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Is the gentleman from Wyoming on the Committee on the Public Lands?

Mr. MONDELL. No; I am not.

Mr. COOPER of Wisconsin. Does the gentleman know what argument was made in favor of that bonus provision?

Mr. MONDELL. If the gentleman had heard the discussion during general debate yesterday, he would have known that there has been very little discussion of the general provisions of this bill. Most of the discussion has been with regard to certain so-called relief measures, and I think perhaps I am the only one who has discussed these general provisions to any considerable extent. I know of no argument except that the Government may get more money in some cases by exacting a bonus, but it must inevitably lead to concentration and to monopoly and it tends to keep the ordinary small fellow out of the coal and oil business.

Mr. COOPER of Wisconsin. I move to strike out the last word, and I should like to ask the gentleman from Wyoming another question. Is this the first time that that provision has been in any bill regulating the disposition of coal lands?

Mr. MONDELL. That provision has been in this particular legislation since it was first introduced. This is the third time that a bill somewhat similar to this has been before the House, and the provision has been in this bill twice as it passed the House and twice I have called attention to the danger in

this provision. Some gentlemen came here a short time ago and appeared before the committee and called attention to the danger of monopoly in oil under that kind of a bonus provision, but no one seems to be paying very much attention to the general provisions of the bill as they relate to coal, because there does not seem to be anyone anxious to make a coal lease. This is the plan: The Secretary fixes the minimum royalty, and then he offers the lease to the highest bidder. Now, I assume that that bid must, under the terms of the bill, be in the nature of a bonus. A bidder would say, "I agree to take a lease of a certain described area, paying the royalty fixed and under the conditions prescribed, and in addition to that I will pay $5,000, $10,000, $20,000 or $100,000 for the lease." That is the plan that has been followed somewhat, I understand, in Oklahoma in the sale of Indian oil leases. However successful or unsuccessful it may have been there, it is not sound as a general public policy. The bill authorizes the Secretary to fix any royalty he sees fit, provided it is in excess of 2 cents a ton of 2,000 pounds, and we should provide that the Secretary fix a fair royalty and grant the lease under that royalty. That would give all comers a chance at the lease. But if the lease is to be put up to the highest bidder, the highest bidder is almost certain to be the corporation that is operating in that community. Now, gentlemen may say that the matter is safeguarded because only one lease may be taken under this bill, and therefore that prevents combinations; but the gentleman knows how these things are gotten around. Another corporation or individual, apparently not the one operating the next mine, bids above the ordinary comer and the lease goes to him. We must make up our minds that if we are to adopt this bidding system on oil and coal leases, the ordinary citizen, the man of limited means, is not going to have any opportunity at all.

Mr. COOPER of Wisconsin. Mr. Chairman, I think that answers my question.

The CHAIRMAN. The gentleman still has one minute remaining.

Mr. COOPER of Wisconsin. I will ask one more question.

Mr. MONDELL. I want to say to my friend in just one second of that minute that I do not believe anybody intends to build up monopoly under this bill. Gentlemen are proceeding in good faith. What I do believe is that what they have done will result in the building up of a monopoly.

Mr. COOPER of Wisconsin. The gentleman certainly presents a very strong argument in support of his contention that the people having the most money will make the highest bid and pay the biggest bonus, and therefore will get the lease.

Mr. FERRIS. Will the gentleman yield?

Mr. COOPER of Wisconsin. I was just propounding a question to the gentleman from Wyoming. The title of the bill as it left the Senate is—

An act to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

I notice that, on page 28, line 7, the bill is confined to—

Deposits of coal, phosphate, oil, or gas—

And that sodium is omitted. Why was sodium omitted?

Mr. FERRIS. Because we passed a special bill for that, and it became a law.

Mr. COOPER of Wisconsin. When?

Mr. FERRIS. In the last session of this Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask that I have two minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. FERRIS. We passed a special bill, and it is a law.

Mr. COOPER of Wisconsin. But it is strange that the Senate had forgotten that, because this bill passed the Senate January 27, 1918.

Mr. FERRIS. The gentleman from Wisconsin will not hold me responsible for all the omissions of the Senate, I am sure.

Mr. COOPER of Wisconsin. No; but it excuses me for forgetting that that bill had been passed. Now, I should like to have the gentleman answer the question that I put to the gentleman from Wyoming.

Mr. FERRIS. All I have to say is that there is a limitation on the area that any bidder can get. No one man or corporation can get more than 2,550 acres, which is a comparatively small area for coal people to operate. Second, they can not transfer a lease without the approval of the Secretary of the Interior. Hence, the only monopoly would be to have one of these leases, to work it under the strict surveillance of the Interior Department, and pay the royalty thereon, and pay as much bonus as the business would stand. This is real conservation in the public interest. It is a long step in the right direction. It supplants an old antiquated law that everybody desires to get rid of. It is favorably recommended by all the departments of the Government. It is just as it has twice passed; it is all right. If anything develops later we can look after it in conference; or, still, if we miss anything in conference, the Congress will still be here—they can amend it.

Mr. COOPER of Wisconsin. Is there anything to prevent the great corporations from bidding and making purchases?

Mr. FERRIS. If they make purchases they can not transfer them without the approval of the Secretary of the Interior. This is the first time that the Government gets a chance to say you can have but one lease and no more, and you must pay a royalty and submit to such rules and regulations regarding the proper treatment of labor, regarding the proper conduct of mines, regarding the sale of the commodity, as the Government thinks reasonable. The gentleman from Wyoming this year objects to competitive bidding, as he did last year and the year before when the bill was passed. That may or may not be the better way to determine it. Suppose the gentleman from Wyoming, the gentleman from Wisconsin, and myself were each to make application for a given tract at the same time. There must be some method of determining which one shall have the lease, and what way can be so wholesome, what way can be so just, as to let us bid for it in the open market? The gentleman from Wyoming complains that the man who had the money would get the coal land, and the man without the money would not get it. There is some truth in that, but the mining of coal is not a business for the barefoot boy or the barefoot homesteader to engage in. It is a million-dollar job to start with. It is not a question of taking the bread from the penniless homesteader, because he could not mine coal. It is more a question of determining between three or four coal operators, either one of whom is able to pay the royalty in the first place; and in the second place to pay a bonus to determine which one shall have it. This will not blast the Treasury to put a few pennies into it, as distinguished from constantly depleting it.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. Has not this been said as an argument in favor of the leasing system—and I think a strong argument—that under the leasing system a man was not required to make a tremendous investment, while under the purchasing system he was; and therefore the man, the ordinary man—I do not mean the barefoot boy or the penniless homesteader, but a man of ordinary means, with energy and ambition, and my friend has seen many a man who had the enterprise and a great deal of energy and ambition to build up—would have an equal opportunity? It has been the hope that the leasing system would give that man a better chance than the system under which he had to pay a very high price for the property in which he invested.

Mr. FERRIS. I fear the gentleman is taking up the whole of my time. The answer to the gentleman's argument is that this one company, this one man, can only have one lease, and no more, and he can not transfer it without the approval of the Secretary of the Interior, and we have a right to assume that the Secretary of the Interior will not permit dummies or fraudulent transfers and let one company rent it all. This is perfectly safe, perfectly wholesome. It has been approved by everybody.

Now, further, the Bureau of Mines and the Geological Survey and the Secretary of the Interior and every arm of the Government that has had anything to do with the operation of coal lands had to do with the drafting of this, and each and every one recommended it, and everyone asserted that it would kill monopoly, get revenue for the Government, and keep one coal operator from occupying the whole country; and I think with that in mind it ought to be adopted.

This bill passed the House four years ago and two years ago, and we have not changed it one iota. The gentleman from Wisconsin [Mr. COOPER], the gentleman from Illinois [Mr. MANN], and the gentleman from Wisconsin [Mr. LENROOT], and all the sharpshooters on this side combed it from line to line, and no change was made, and it was introduced as it passed then, and while the gentleman from Wyoming may be right about it, I think we are safe in standing with all the authorities and the ex-Secretary of the Interior and the present Secretary of the Interior.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having taken the chair, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 16, 1918:

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

On May 22, 1918:

S. 3911. An act authorizing national banks to subscribe to the American National Red Cross; and

H. R. 10264. An act to prevent in time of war departure from or entry into the United States contrary to the public safety.

On May 23, 1918:

S. 2123. An act to regulate the practice of podiatry in the District of Columbia; and

H. R. 11628. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

EXPLORATION FOR COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

The committee resumed its session.

Mr. RAKER. Mr. Chairman, I want to oppose the motion of the gentleman from Wyoming. I want to call the attention of the gentleman from Wisconsin to one or two matters. He referred to the fact that potassium was omitted from the bill.

Mr. COOPER of Wisconsin. I said sodium.

Mr. RAKER. The same thing; they are synonymous. I am surprised to hear the argument of the gentleman from Wyoming which he just made in the 15 minutes given him and the 10 minutes he took in answering the question of the gentleman from Wisconsin. I do not know of a Member on the floor raising the question or discussing the proposition of corporations until the gentleman stated that he was afraid the corporations would control the coal, oil, gas, phosphate, and sodium. I want to call the attention of the committee to the fact that this is the first piece of legislation that has ever been brought in that I have been able to find in regard to the disposition of the public lands in this country wherein a corporation is given the right to participate as private individuals under the law, and up to this time no man has raised his voice against it, nor has he moved to strike out the provision as to corporations being given the same rights as individuals.

What is the matter with you? Why have you been asleep for five years and then at the last instant come out and say that corporations are going to control this, when the very bill, in the very first section, that passed this House two years ago a corporation is given the right to participate under this law, and never up to this time has Congress ever been afraid that it was passing legislation to give corporations the right to obtain lands—desert lands, homestead lands, or lands of any other kind. It is a late day now to say that if this bill is workable under the existing law—and we believe it is—that there will be a monopoly. There is going to be no monopoly. The statement that monopoly is going to take the public lands under the just provisions of the bill, when you in the first section give corporations the right to participate in the public lands, it seems to me is a little late in the day.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I can not yield for a minute, as I have a thought and I want to get it out. [Laughter.] I tried to get an amendment before the committee, and I shall read it:

Or to any corporation organized under the laws of the United States or of any State or Territory thereof.

I tried to get an amendment adopted in the committee to that effect, and this is the first time that we have ever permitted a corporation to deal in the public domain of the United States. That corporation might be organized by aliens and have only one or two citizens of the United States. The entire stock might be held by foreigners. No, sir; they would not admit it, and it is a little late now to be talking about corporations controlling our public domains. I want to say to you, as a matter of fact, that if a corporation is permitted under this bill it is all right under the rules and regulations, but there ought to be a provision in here that no corporation that is controlled or owned by a board of alien directors or stockholders should obtain these great valuable deposits of coal, oil, phosphate, and sodium.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MONDELL. Why did not the gentleman have an amendment of that kind adopted?

Mr. RAKER. I offered it in the committee and was unable to get it adopted.

Mr. MONDELL. The gentleman is no more fortunate than I am in getting good amendments adopted.

Mr. RAKER. What strikes me now is that when the members of the committee and other Members of the House allow an amendment like that and give corporations the right to obtain these valuable leases under the Government when we have legitimate provisions to protect the matter they begin to raise their voices and say that corporations are going to control these properties.

Mr. MONDELL. Is the gentleman addressing his remarks to me?

Mr. RAKER. No; I am not.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. CRAMTON. I am not sure that I understood the gentleman's exploitation of the thought which possessed him. Do I understand the gentleman claims there is anything in this bill that will permit a corporation to get title to lands?

Mr. RAKER. Leases.

Mr. CRAMTON. But not title?

Mr. RAKER. No title.

The CHAIRMAN. The time of the gentleman from California has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall be not less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Remembering my promise not to embarrass this much-embarrassed committee by offering amendments, I rise to discuss the bill and suggest modifications that might be acted upon in conference, and I want again to call the attention of the committee and of those gentlemen on both sides who will be conferees to the proviso contained in this section to the following effect:

Provided, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal.

That is a provision authorizing the Secretary of the Interior to allow coal mines to be closed down upon the payment of a certain royalty. It is a very dangerous provision and is entirely unnecessary. There should be a provision, however, to take the place of that provision or to meet the contingency which that provision was intended to meet. There are conditions when the state of the market is such that mines can not be continuously operated to their full capacity, and if, in line 2, on page 33 of the bill, after the word "mines," the words were inserted, "so far as the condition of the market shall warrant," you would then have a provision which will guide the Secretary of the Interior in the exercise of his discretion relative to the continuous operation of the mines. Secretaries of the Interior, I am sure, always want to be honest, and I hope they always will be honest, and I hope they will never be misled. But there are people in the world who are charged with dishonesty who are honest, and there are very good men who are sometimes misled or misinformed. We should have no provision in the law whereby a mine may close down and be sealed when there is a market upon the payment of a nominal sum in lieu of royalties. Provision should be in the bill under which a continuous operation must be had so far as the condition of the market will warrant.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CRAMTON. Would not the gentleman's own amendment make it possible for one of these monopolistic corporations, which he has spoken about, to go into an area and get hold of the coal property before there was really a market available for it and hold it without operation—simply speculate on the future—and shut out anybody coming in who really wanted to develop the property?

Mr. MONDELL. Not at all.

Mr. CRAMTON. Because the gentleman makes it possible to suspend operations dependent upon the condition of the market.

Mr. MONDELL. That is the condition under which operations must necessarily be reduced or suspended. You can not get away from an economic law by all of the words you may write into your statute book.

Mr. CRAMTON. Instead of putting it in the hands of the Secretary of the Interior to determine when this thing shall be, the gentleman puts a clause in there of such vague and wide meaning that it may let a great deal of evil develop.

Mr. MONDELL. The gentleman does not understand the amendment at all. He has not noted the point in the bill at which this comes or he would have known that my amendment left the whole thing in the hands of the Secretary of the Interior. The Secretary determines to what extent these mines shall operate. He is the man who determines whether strikes, accidents, unavoidable conditions warrant the closing of the mine. This will be just another one of the conditions, entirely under the control of the Secretary of the Interior. Of course, if the Secretary of the Interior was a fool or a knave you might have an unfortunate condition under that kind of a provision, but you would be much less likely to have an unfortunate condition than you would with a provision under which a mine may be sealed up without regard to the condition of the coal market.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. The Secretary of the Interior ought to be in a position to compel operations just as far as the market will allow the coal to be used.

Mr. MADDEN. Will the gentleman read just how the language would appear with his amendment in it?

Mr. MONDELL. "Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines so far as and to the extent as the condition of the market shall warrant," or words to that effect.

Mr. MADDEN. Under supervision?

Mr. MONDELL. That all follows, put under supervision of the Secretary of the Interior, who supervises and determines all those conditions.

Mr. MADDEN. And he would have the power to compel the operation of the mines if the market justified it?

Mr. MONDELL. Up to the limit, and not only would that provision take the place of the sealed-up provision, but it would give the Secretary authority that he now has not in the bill to compel production up to the point of the absorption of the market.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. PARKER of New Jersey: After section 7 insert a new paragraph, as follows:

"And, in the discretion of the Secretary of the Interior, any such lease may provide that out of surplus earnings, if any, accumulated in excess of a specified rate of return upon the net investment of the lessee in any mine under lease, the lessee shall establish and maintain amortization and surplus reserves, which reserves shall, in the discretion of the Secretary of the Interior, be held until the termination of the lease, or be applied from time to time in reduction of the net investment. Such specified rate or return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the lease, and any such lease may further provide that the rest of such surplus earnings shall be annually divided and paid among the purchasers of coal according to the amount paid in by each purchaser in the year, which dividend and payment may be made in scrip bearing interest if such profits have been used in permanent improvements or held as surplus."

Mr. FERRIS. Mr. Chairman, I reserve the point of order on that.

Mr. PARKER of New Jersey. Mr. Chairman, in the water-power hearing it was recognized by the Secretary of the Interior that in any project for water power, just as in any mining, there might be exorbitant profits. I have known mines that are now paying a thousand per cent, more or less, because of the rise in the price of the commodity. It has always been my idea that in leasing a mine, as in leasing water power, the Government ought to protect the public by having the rates made so low that they would not reap an exorbitant profit, but only a fair profit and that when the party has made, we will say, 25 per cent—make it as liberal as you please—a really large profit—that everything above that large profit should be paid back in the way of dividends to men who purchase the coal or, in the case of water power, to the men who hire the water power. The Secretary had a little different idea. He believed in limiting the profits to a fair return, which is all the party should have, but above that fair return he would apply the surplus in amortization; that is, in paying back the fund that was invested. The difficulty is this: On a 20-year lease 3 per cent a year, which is a small amount, will amortize the whole capital of 100 per cent within 20 years. On a 30-year lease in Canada 1.8 per cent has been found sufficient to return and amortize the whole project in 30 years. In Canada they provide in their leases that the rates shall be reduced so that no more than the ordinary expenses and the amortization fund shall be charged.

Mr. RAKER. Will the gentleman yield?

Mr. PARKER of New Jersey. In a moment; when I have completed this sentence. My proposition therefore is—it does not bind anybody, it simply seeks to get this question into the bill—my proposition is that the Secretary of the Interior in proper cases may provide for an amortization fund out of the surplus profits; may provide what shall be a fair return; that is already in the Secretary's proposed amendment as to water power. My proposition also provides that any surplus profits above this shall be returned to the consumer as a dividend, which is practically a reduction in the price of coal. I now yield to the gentleman from California.

Mr. RAKER. The gentleman's point of view there is that this bill should provide for authorizing the Secretary of the Interior to fix the rate and the amount of charge that the company could fix to its customers?

Mr. PARKER of New Jersey. No; my proposition is that the price should be fixed automatically, so that if the lessee should make a large profit—a cumulative profit, if you please, up to 25 per cent—that then he shall reduce the price of coal by rebate or dividends, but not seeking an exorbitant price so as to make an exorbitant profit. I hope the gentleman from Oklahoma will allow this amendment—and this is only provisional—to go into his bill so that it could be placed before the Senate and in conference.

Mr. FERRIS. Mr. Chairman——

Mr. MADDEN. Mr. Chairman——

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. Does the gentleman from Illinois rise in opposition to the amendment?

Mr. MADDEN. Yes.

Mr. Chairman, I would like very much to be able to agree with the gentleman from New Jersey, but here we have a bill that proposes to lease to private owners coal properties, and authorizes the Secretary of the Interior to fix the royalty rate per ton of coal mined, and the amendment of the gentleman from New Jersey proposes to authorize the Secretary of the Interior to direct the man who invests the money in the coal mine as to what he is going to do with it. So you have him coming and going. You could not get a man to invest a dollar in a coal mine under a lease with this provision in it. And why should the Secretary of the Interior have the right to say how much the owner of the mine under the lease shall put to surplus? If he has any good business judgment, he will know better what to do than the Secretary of the Interior, and if he is compelled by any condition or terms of the lease to charge such a price for coal as to enable him to pay dividends, and then create the surplus and amortize his capital, he will be charging more to the consuming public for coal than they ought to be obliged to pay. So I hope the amendment suggested by the gentleman from New Jersey [Mr. PARKER] will not be given serious consideration.

I think where a man invests his money and is compelled to pay the price the Government fixes for the privilege of operating a mine, that he should at least be given the right to charge the market price for the commodity he produces under the lease, and that he ought to be permitted to exercise his wisdom in the disposition of the profits, if there are any profits when he gets through paying the Government and the cost of operating the mine, as he thinks best. I have never seen a proposal exactly like this submitted for the serious consideration of a body of intelligent men who are supposed to be considering the development of the public domain, with a view to supplying the needs of the people. And I certainly hope that there will be wisdom enough manifested by those in charge of this bill to either have the provisions suggested stricken out on a point of order or that there will be votes enough in the House to defeat it if it comes up for consideration on its merits.

Mr. FERRIS. Mr. Chairman, I know how well informed and how earnest the gentleman from New Jersey is, and how keenly he feels about the matter. But I want to call attention to some

somber facts, which I think will make him doubt the advisability of adopting such an amendment.

Prior to 1873 coal lands passed into private ownership under the agricultural land laws. The man who homesteaded the surface took the coal with it. Subsequent to 1873 they provided a sale plan and sold the coal land at the flat rate of $10 an acre. There were many objections to that policy. Since 1907 they have been sold pursuant to appraisement, and it has run as high as $500 or $600 an acre. Under that plan 4,267 coal entries have been made, aggregating 610,516 acres. Now, the total coal area in the United States is 53,000,000 acres, a tremendously large body of coal, and there are some 4,000 companies operating on 610,000 acres, which is a very small part of the aggregate. Now, if you pile onto this law such onerous and such cumbersome provisions as to require them to amortize and to require the Government to divide their surplus earnings, my thought is that we would not get any leases and they would resort to the old plan, and I am afraid that the amendment of the gentleman from New Jersey [Mr. PARKER], though well and earnestly intended, would operate to defeat the thing we want to do. So I ask for a ruling on the point of order, and if it is overruled I ask to have the amendment voted down.

Mr. PARKER of New Jersey. Mr. Chairman, there is nothing onerous about this. If I establish a coal mine on condition that I can make 25 per cent every year of all that I put in, but that I shall not make any more, and must reduce the price of coal to my consumers so that I shall not get more, that is fair. If I lower my price so as to get no more, it is right I should get the limited per cent a year. That is the kind of lease this amendment provides for.

Mr. MADDEN. Will the gentleman yield?

Mr. PARKER of New Jersey. In a moment.

What we want to avoid is a condition similar to this: I know at least of one mine, that I do not want to name, where the value of ore has gone up in the last five years from $5 to $60 because no other mine in the world can furnish as good ore, and the result is they are making several hundred per cent a year.

Mr. MADDEN. Is that a copper mine?

Mr. PARKER of New Jersey. No. I am not mentioning the mine. Under those circumstances the protection of the public demands that a fair limit of return should be established, as suggested by the Secretary of the Interior, and that the amount of the profits should be reduced so as to give only a fair return.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. ROBBINS. Mr. Chairman, wait a minute. I have an amendment there.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ROBBINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROBBINS: Page 33, line 16, at the end of section 7 insert:

"*Provided*, That the amount of advance royalty so paid shall be credited on royalty accruing under the said lease in any year during the remainder of the term."

Mr. ROBBINS. Mr. Speaker, this bill is founded, I think, on a mistaken basis, that of leasing instead of selling the right to mine coal; but I do not wish to waste any time in discussing that feature of the act. The coal interests of the United States can not be developed on a leasing basis if we wish an economic production of coal, as well as it can be, on a sale basis. Now, this section provides for the minimum rental of 2 cents a ton, which, of course, is a ridiculously low rate, but that is only a minimum to start with. Rentals in the older States have advanced until there are sometimes leases made in Pennsylvania to-day of 52 cents per net ton. Probably these new leases will come up to that value; at least I hope they will. Now, there is a provision in this section that there should be a fixed rental on the land, but no minimum on account of the coal royalty. There is also a provision that this lease is to be readjusted every 20 years—that is, it is to be renewed every 20 years—and that the Secretary of the Interior has a right to change entirely the terms of the lease as to payment of royalty. And there is a provision in the proviso in section 7 that will work a great hardship upon the lessee, because this bill, which ought to be prepared for the purpose of promoting and encouraging the interests of the mining industry on the public lands of the United States, while in fact it is contrary to the purposes it is proposed to accomplish. And one of the essential provisions that ought to be here is lacking for the protection of a lessee, who has to go on these coal lands, explore them, put all the improvements on them, and take all the risk, and pay a royalty to the Government whether he mines coal or not, because in its present form he has no protection whatever in case of dull times and suspension of mining operations. The only protection he gets here is from strikes, explosions, and matters beyond his control. But coming from a mining region as I do, I know there are whole periods of the year when operators can not sell the coal mined because of dull markets. At such times the mining is suspended.

Under this bill you propose to have operators pay a minimum royalty. How will that work out? The royalties under these leases will not be less than 5 cents a ton. There are three things in every coal lease that must be provided for: A minimum output per year and a minimum royalty per ton; and there ought to be another provision that is not included in this bill, to wit, a minimum amount of coal to be recovered per acre.

Now, under the terms of this lease, for illustration, take a lease at the rate of 5 cents per ton, and 100,000 tons, and you will have $5,000 per year royalty accruing for coal that ought to be mined under the lease. If dull times come on or depression of business occurs or lack of markets prevail you compel your lessee to pay $5,000 to hold his mine, in addition to losing the investment on his property, and in addition he has to pump his mine, if it is a pumping proposition; and he has to have it guarded and protected if it is an open mine, even if it is a drift proposition, and must ventilate and pump the mine.

Now, the Government ought not to compel the lessee to pay that $5,000 royalty and get nothing for it. All the leases that I have knowledge of—and in our section of Pennsylvania, where we have many leases, I know something about it—contain this provision for the protection of the lessee, that when his mine is closed down for any cause he shall have the right to mine out coal in the future to the extent of the royalty he must pay as a minimum in advance and have it credited on the coal that he mines out.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ROBBINS. Therefore I say to Members of this House who come from the West, where this coal land is situated—we have no public land in Pennsylvania—I am only seeking to cast some light from experience in the older mining community upon a plan of development of a new mining community, for the sake of aiding in bringing about what I think is intended to be accomplished by this bill, which is to encourage the development of coal lands in the newer States and on the public domain. A lessee in entering upon this domain, unexplored as it is, with the coal somewhat broken up and not persistent as to vein or level or to stratification, as it is in the older States, especially in Pennsylvania, will be confronted with an initial expense that will be startling and that will prevent the development of the coal lands, because if he has to go onto the coal field and drill it with diamond drills to determine its dip and persistency and extent he ought to be in some way protected from the minimum payment of royalty from which this bill does not propose to authorize the Secretary of the Interior to protect him in the covenants of the lease.

Therefore, Mr. Chairman, I say that this amendment that is offered now does not work a hardship upon the Government, because the Government will be paid for every ton of coal that is taken out under the lease, but it works a great saving and is a great protection to the lessee who must invest all the money in the development of the property; the lessee must develop it; otherwise it is undeveloped and unproductive and without value. He is entitled to be recouped for the minimum royalty he must pay, while he can not operate the mine during the times of business depression or business stagnation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. FERRIS. Mr. Chairman, I hesitate somewhat to debate a proposition with a gentleman who, I know, is familiar with the coal-mining business. I am not a practical coal miner in any sense of the word. I may be wrong and the gentleman may be right about it, but——

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. The gentleman will hear me just a minute. On page 32, lines 23, 24, and 25, I find this language in the bill:

Except that such rental for any year shall be credited against the royalties as they accrue for that year.

Mr. ROBBINS. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. FERRIS. In just a moment. I know what is in the gentleman's mind.

Mr. ROBBINS. That does not apply to what I am talking about.

Mr. FERRIS. I understand; I think I know what I am talking about. Now, these advance rentals and advance royalties, if they shut down for a year, can all come in under that head, and, in addition to that, they are excused altogether, first, if there be strikes; second, if the elements interfere; third, in case of any casualty not attributable to the lessee shall occur.

Now, what the gentleman from Pennsylvania wants to do is to allow the coal companies to shut down for reasons other than these—these are pretty liberal—for 5, 10, 15, or perhaps 20 years. Under his amendment there is no limit, as I heard it; and then if any rental is paid by them during that interval, they revive the whole lease and bring this rental forward and perhaps pay rental without mining anything for several years. That allows the coal company, in a way, to cold storage its holdings, perhaps allowing people to suffer for want of coal, and no one would really want to do that. Let me repeat. We limit it to one year. Any royalties or advance rentals to keep the lease alive for that year can be credited against the total royalty paid, but we do not cover it over a group of years. And even beyond that, if strikes or labor troubles interfere or the elements interfere or casualties not attributable to the lessee—which, it seems to me, covers everything—he is excused from anything. I think that that is all we should do.

Mr. MADDEN. So that under every reasonable expectation the operator of the mine is credited, under the terms of this bill, for any advance payments that he may make?

Mr. FERRIS. Yes.

Mr. MADDEN. Or relieved from payments entirely if the mine should be closed down for any cause over which he has no control?

Mr. FERRIS. That is it.

Mr. MADDEN. I think that is liberal enough.

Mr. ROBBINS. Mr. Speaker, I move to strike out the last word. Either the gentleman from Oklahoma [Mr. FERRIS] entirely misapprehends the terms of this bill or else I do. Now, let us understand where we are at. There is no use in talking if we do not know what we are talking about. I read from page 32, beginning at line 17:

At such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall be not less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease—

That is the rental that the lessee pays for the land itself. Leases frequently contain that provision—so much per ton for the coal mined, and $1 per year for the rental of the premises, to make the lease a good and binding one, by providing a valuable consideration—

except that such rental—

What rental? Why, the dollar a year. To quote line 24—

for any year shall be credited against the royalties as they accrue for that year.

I am not speaking about rental at all. I am speaking about the minimum royalty that will be contained in this lease, and I can illustrate it by a very common illustration. If the minimum tonnage is 200,000 tons per year and the minimum royalty is 5 cents a ton for coal mined that means $10,000 of royalty to be paid each year.

Mr. FERRIS. There is no minimum tonnage, which disposes of the whole argument the gentleman has been making.

Mr. ROBBINS. These gentlemen have been asserting here from the time this bill came up that the Secretary of the Interior had the power to make these leases and provide rules and regulations over them, and no Secretary will make a lease that does not have a minimum tonnage in it.

Mr. ELSTON. Diligent operation.

Mr. ROBBINS. The "diligent-operation" clause would not cover it, because you could put in a wagon that could haul half a ton of coal at a trip, and make 50 trips a day and that would be 25 tons a day; whereas the mine wagon that ought to be put in would hold 3 tons. Yet this might be "diligent operation." That does not mean anything. The term is indefinite. A coal lease will contain three specific provisions if drawn by a man who understands the coal business. The lease must contain first a minimum tonnage of coal per year; second, it must contain a minimum output of tonnage per acre; and, third, it must contain a minimum royalty payment whether the coal is actually mined or not. When the peace-at-any-price people, during the time of the Civil War, presented a paper to Lincoln for him to sign he said he would sign any kind of a paper if it had at the top of it the statement that the "Union must be preserved." If you put those three provisions into a coal lease, I do not care what you put in otherwise. Of course, the lease will be guarded by provisions as to the width of the entries and the size of the room pillars to be left, so that the remaining coal can be worked, and what drainage and ventilation passages shall be left open, and the right of entry and survey at any time by the owner without regard to permission from the lessee. All those things will be covenanted for, but the three provisions which I have spoken of will be inserted in every coal lease. Now, where is there in this bill anything to allow the lessee who works this coal and who has to shut down because of dull times or a panic to be recouped for the royalty that he will be compelled to pay under the terms of the lease? What is to relieve the lessee from these hard covenants of his lease? Here are the things that he is excused from under this act, and we have them in our leases: "Strikes, lockouts, explosions, and other causes beyond his control." Those words are on the letterhead of every bill of every coal company that is sent out. This act provides for but few grounds of relief, page 33, line 3, "strikes, the elements, or casualties not attributable to the lessee."

This bill provides that the lease shall be for indeterminate periods, and then it is fixed at 20 years. That would be a determinate period. That seems to be a contradictory way of expressing it. And it shall be—

upon condition of diligent development and continued operation of the mine or mines.

Diligent operation is a question that the courts will have to decide. Why it should be put in that indefinite way I do not know. "Continuous operation" is a term that must be construed by the ordinary usages of the mining region in which the mine is located. Now, here are the exceptions that the committee in charge of this bill retreats behind so quickly:

Except when such operation shall be interrupted by strikes—

We all know what that means.

The elements, or casualties not attributable to the lessee—

Which means floods or explosions or fire. And then what else?

And upon the further condition that at the end of each 20-year period—

The lease "shall be readjusted."

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. ROBBINS. Yes.

Mr. MADDEN. The gentleman does not contend that under that provision it would be possible for the Secretary of the Interior to insert a clause in the lease that would compel the operator of the mine to pay a royalty while the mine was not operated for reasons beyond his control, does he?

Mr. ROBBINS. Yes; I do. A panic is beyond a lessee's control, but it will stop mining operations.

Mr. ELSTON. Casualties——

Mr. ROBBINS. The courts have defined what casualties in a mining operation mean. They mean accident, explosion, fire, or a strike. Those are the things that are specified. It does not provide for the contingency I am referring to, namely, business depression.

Mr. ELSTON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. I ask unanimous consent for five minutes.

Mr. FERRIS. I ask unanimous consent that at the expiration of 14 minutes, debate on this amendment and all amendments thereto be terminated.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 14 minutes all debate on this amendment and amendments to the amendment be terminated. Is there objection?

There was no objection.

Mr. ROBBINS. I will yield to the gentleman from California.

Mr. ELSTON. In commenting on the phrase inserted in the lease, "diligent development and continuous operation," the gentleman said the interpretation of those words would be up to the court.

Mr. ROBBINS. Certainly it would.

Mr. ELSTON. In the jurisdiction with which the gentleman is familiar would the contingency of a dull market be construed by the court as an excuse for not using diligent development and continuous operation?

Mr. ROBBINS. No. I will illustrate to you what those terms mean. We have certain mines in Pennsylvania where the coal is shipped entirely to the Lakes for transportation by water to the Northwest. During the winter season these mines are closed. That is "continuous operation" in this region, because you could not ship coal when navigation is closed. These terms are construed with reference to the usages of the region where the mines are located.

Mr. ELSTON. I get the gentleman's idea, but referring to the bottom of page 49, it says the Secretary of the Interior is given authority to insert general provisions which may cover

such contingencies as the gentleman mentioned. Will the gentleman look at that and say if possibly the Secretary of the Interior might consider a particular locality and insert provisions to cover the cases such as the gentleman has stated?

Mr. ROBBINS. Mr. Chairman, I have read over the bill and noted what the gentleman specially calls my attention to on page 49. I have never known a coal lease—and it has been my very good luck to be pretty intimately connected with them on both sides, both as owner and lessee, for a good many years in Pennsylvania—and every coal lease I have known which was regarded as fair, when it came into the court for interpretation has contained provisions for protecting the lessee against forfeiture for failure to pay the minimum royalty payments. If he continued to operate under the lease and observed the covenants, he has always been given an opportunity to mine coal free to the extent of the advanced royalties paid. Some leases, I admit, provide that in "the succeeding year" the lessee shall have the right to have credited on the coal mined for the advanced royalties paid, limiting it to one year. I did not insert this in the amendment proposed because this is a legislative proposition, and the Secretary of the Interior ought to be permitted to work out these details and have a certain latitude in doing so.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. TAYLOR of Colorado. Does not the gentleman think he ought to put some limitation on it—he would not allow them to put a mine in cold storage for 25 years?

Mr. ROBBINS. That is absolutely impossible. That suggestion was made by the gentleman from Oklahoma; the cost of carrying a mine, interest charges, and so forth, would prevent this.

Mr. TAYLOR of Colorado. Does not the gentleman think we ought to have some limitation on the time?

Mr. ROBBINS. This lease, if you will bear with me a moment, will contain all the covenants to protect the ownership of the United States. It will require the lessee to mine a minimum amount of coal each year. It will require him to work the mine in a workmanlike manner, according to the surveys and plans of experienced mining engineers, and when that is done payment of royalty for the coal mined is required at the end of each succeeding month—30 days after he removes the coal out—which is a hardship and is never enforced in Pennsylvania. The payment of royalties every three months is the usual and ordinary covenant of a lease in reference to the payment of royalty. I am not objecting to that, but I say if you are going to encourage development of these lands you must hold out every encouraging inducement to the lessee who invests the money and installs the initial plant and opens up the mine, and who should have protection and be assured that he can not be compelled to pay a minimum royalty whether he can operate the mine and mine out the coal or not.

Mr. MONDELL. Mr. Chairman, if I believed that under this bill the Secretary of the Interior was authorized to fix a minimum coal output and base a minimum royalty on such an output, then I should want the amendment of the gentleman from Pennsylvania adopted, but there is nothing in the bill that by any possible construction would authorize the Secretary of the Interior to fix a minimum output and charge a royalty on it, whether that output was realized or not. In the present stage of coal development in the West, and in view of the fact that in much of our country the mines can only be operated a part of the year, the lignite mines during the winter and spring and fall, it would not be wise, in my opinion, to give the Secretary that authority.

An amendment which my friend suggests and which applies to conditions in Pennsylvania, where private owners do compel in their leases the lessee to mine annually a certain tonnage and the payment of royalty on that output, would under such conditions be entirely proper. But this law does not authorize the Secretary to do anything of the sort.

Mr. ROBBINS. That is a question. Where is there any provision in the bill that prohibits the Secretary from inserting such a covenant?

Mr. MONDELL. The Secretary can do nothing other than make rules and regulations in accordance with the provisions of this bill. He can not put a provision in the bill calling on the lessee to do or perform anything or make any payment other than is provided in the bill. The provisions as to what he shall pay are definite—he shall pay a royalty and a certain rent per acre, and, of course——

Mr. ROBBINS. What is the use, then, of the provision in line 2, page 33, that says that certain things shall be excepted from the operation of the mine, such as strikes, casualties, and so forth. Why should you have any exception at all if he is not going to be required to mine a minimum amount of coal?

Mr. MONDELL. It is absolutely necessary that the Secretary shall be authorized to compel continuous operation, which, as the gentleman from Pennsylvania has just suggested, may not mean operating continuously every day throughout the year in every case—continuous operation under conditions surrounding the mine.

It is entirely proper that the lessee should be guarded against the requirement of operation when the mines close down through causes over which he has no control, but the Secretary has not any authority in this bill, nor do those who know the situation in the western country desire that he shall have any authority in this bill to insist upon or provide for a minimum output.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Debate has been closed upon this amendment.

Mr. STAFFORD. Mr. Chairman, I would state that the gentleman from Michigan [Mr. CRAMTON] desires some time. I suggest that the time be extended five minutes.

Mr. FERRIS. Very well. The gentleman suggests that we extend the time for five minutes and that will take care of the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Pennsylvania [Mr. ROBBINS].

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend the time for five minutes. Is there objection?

There was no objection.

Mr. ROBBINS. Mr. Chairman, if, as the gentleman from Wyoming [Mr. MONDELL] has argued, the Secretary of the Interior has no power to put in a minimum requirement, then the amendment I propose would be a precautionary and safety amendment only. What is the objection to its adoption, then, even on that ground, though I do not agree with the gentleman?

Mr. MONDELL. The gentleman's amendment then would immediately raise the assumption, it would be practically conclusive of the right of the Secretary to do that thing which we do not desire to give him the right to do, because when we provide, as the gentleman suggests, that minimum royalties may be paid from subsequent mining or output, that provision must be made and necessarily made upon the assumption that he has the power to fix such minimum.

Mr. CARTER of Oklahoma. Is it not a fact that we have in effect in this bill a minimum production clause, with reference to the 25 cents and 50 cents and $1 per year rental.

Mr. MONDELL. In a way that is intended to take the place of, we may say, a requirement for minimum production, for if the mine is closed down or the output is reduced the lease runs on and there is a certain amount that must be paid in any case.

Mr. CARTER of Oklahoma. A man has to pay the rental regardless of production, but when the coal is produced he can apply the amount he has paid in on the royalty.

Mr. MONDELL. Within the year.

Mr. CARTER of Oklahoma. Within the year.

Mr. CRAMTON. With all due respect to the gentleman from Pennsylvania [Mr. ROBBINS], my study of this section makes me believe that his knowledge of conditions in Pennsylvania has led him to read into this section something that is not there, and as a result he has offered an amendment which will not accomplish what he desires to accomplish. Omitting the proviso on page 33, section 7 provides for three things: First, the payment of royalties, not in advance, but at the end of each month, a minimum of 2 cents per ton, and there is no minimum production required; second, an advance rental each year with a minimum of $1 an acre after a certain period; and, third, a continuous operation of the mine is required, otherwise there may be a forfeiture of the lease, except in certain contingencies. The proviso brings in an alternative by which in lieu, not of rentals or of royalty, but in lieu of such continuous operation of the mine there may be required an annual advance royalty. And of how much? Not less than the amount of rental—$1 an acre. The gentleman's amendment is to come in at the end of that proviso, and would simply affect that proviso. That proviso is nothing that is going to complicate things seriously, it will create no injustice; but even if it were, the gentleman's amendment is not in shape so that it would correct anything. He assumes that because leases in Pennsylvania with which he is familiar have contained a provision for an advance royalty of several thousand dollars an acre, that this section contains it or provides for it. On the contrary, instead of its appearing that there is a requirement for an advance royalty, the proviso gives the inference that there is not to be. It provides that in lieu of the continuous-operation requirement there may be an advance royalty, but if the continuous-operation provision is

retained, then there is not to be an advance royalty based on minimum production. It seems to me the gentleman has misread the section. Personally it seems to me that it is not to the interest of the Government to be too free about letting these mines lie idle for parts of each year, and thereby diminish production and inflate prices.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

SEC. 8. That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their own personal use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this act as in his opinion will safeguard the public interest: *Provided*, That this privilege shall not extend to any corporation: *And provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license.

Mr. RAKER. Mr. Chairman, I move to strike out in line 22, page 33, the words "own personal," after the word "their" and before the word "use."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 22, strike out the words "own personal."

Mr. RAKER. I just want to say one word to the committee in respect to it. This is clearly an oversight. That should read "and take for their use but not for sale."

Mr. FERRIS. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Before we leave the coal provisions of the bill I want to call attention to some of the provisions of this legislation that, in my opinion, ought to be modified. I want again to emphasize the objection to the plan of leasing by bidding, by competition. What I am saying may fall upon dull ears, on ears that do not heed them, but I am so impressed with the error, the mistake that is being made in basing leases on the bidding system, that I feel it my duty to continue to express my views on that subject. We may adopt such a policy, but very early in the development of the policy we will discover that we failed to secure what has been claimed as one of the great benefits of the leasing system; that is, freedom from the very great load of investment which would be necessary under a purchase system. This relief from the necessity of large investment for the land it was claimed would enable the man of limited means to get into the coal and oil business, particularly the coal business. Further than that, by reason of this policy, we will make it entirely possible in certain sections of the country for great companies now operating to practically prevent the opening of new coal mines. They can bid so high as entirely to drive out and permanently discourage additional developments, particularly as there will be no difficulty in dropping a lease after it has been knocked down to one of these high bidders and before the bonus has been paid. In the meantime the operator who has gone in and spent his time and money trying to develop the property, and who has been robbed of it by high bidding, will be discouraged. He will have left the locality probably; will have made up his mind it is useless to try to open new and competing coal mines. I do not think it is intended to establish monopoly; it is not intended to strengthen monopoly already established; but that will be the inevitable result of this policy both in the mining of coal and in the production of oil; but I am afraid we are so wedded, at least the committee is, to this plan that we will have to learn our error by trying it out.

One other thing I want to emphasize before I leave the coal provision of the bill. That is the very great importance of modifying the section we have just read, so as to provide a prospecting permit preceding the granting of a lease. I know that all the bureaus of departments that spend the people's money have, as the gentleman from Oklahoma has suggested, approved this plan. Why, certainly; it gives them a job; it affords them an increased opportunity; it gives them a roving commission all over the public domain upon millions of acres containing coal to go out and explore and prospect and divide up into what was known as blocks, but is now termed tracts, the coal lands of the country. There is no one on earth qualified to determine certain questions except the practical man who is going to mine the coal. Our veins are not regular in any part of the West, either in thickness, in quality, or in dip and position. Our coal lands are generally rough.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I would ask to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

Mr. FERRIS. Mr. Chairman, reserving the right to object, after which, may we have a vote and debate close? I ask unanimous consent that, immediately following the five minutes requested by the gentleman from Wyoming, that debate on this amendment and all amendments close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous debate that at the end of five minutes debate upon this amendment and all amendments thereto be ended. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. We have tried this plan of blocking out in Alaska, and I do not think we have been very fortunate or happy about it. We have not secured coal development up there as yet. We are getting no coal up there worth while—no more than could be carried in a bucket. Of course, we hope to have a great development there, and will eventually, but this blocking system has not helped it, and will not help it, but has to some degree hindered it, because it has not given the prospector—the developer—the freedom of opportunity he ought to have to go out in the coal regions and block out his mine himself, study the dip of his vein, the character of the roof and the floor, the point at which the vein may be attacked for economical development, the location at which he can provide for loading and storing, the area that may be utilized for the accommodation of those who are to operate the mine. He must provide for facilities for trackage, and he must, by careful examination and by drifting or drilling, or both, determine the location, extent, and area of the tract necessary for successful development from the point where he proposes to begin operation.

Mr. MAYS. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. MAYS. The gentleman refers to the failure of the leasing system in Alaska. Does the gentleman believe it will have any better success in this country, as applied to coal development?

Mr. MONDELL. Well, I try to be hopeful in the face of certainty that we are going to the system, but I do believe it will be a mistake to adopt these provisions in connection with leasing which have not proven to be wise in Alaska.

Mr. MAYS. Will the gentleman yield for another question?

Mr. MONDELL. Yes.

Mr. MAYS. Does the gentleman believe that you could raise sufficient capital to finance a coal proposition where it cost a million dollars to develop the mine upon a leasehold interest?

Mr. MONDELL. Well, I think it would be very difficult to do it in a great many cases, but we must admit that it may be possible to do it. The Congress is proceeding to legislate on this and leasing lines. While we have our doubts and our questionings in regard to the matter, I assume we are going to try it out; but if we do, we ought to do it under a plan and with provisions that will be practical and workable and under which all comers with some means and with energy and with ambition will have an opportunity. We are inviting people into these fields and we ought to make the conditions as favorable as possible. I know perfectly well from some very practical experiences of my own that I would not want any Government agency to go out and attempt to block out a piece of coal land for me to operate under any system.

I would not want to invite the Government to the very considerable expense of doing that. I would very much prefer to go out and do it myself, because I would be responsible for the economical development of that mine, and I ought to take the responsibility of determining where the vein is to be opened, how it is to be opened, and the areas that I believe I can in an economical way mine from a certain point.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

OIL AND GAS.

SEC. 9. That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 640 acres of land wherein such deposits belong to the United States and are located within 10 miles of any producing oil or gas well and upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are situated more than 10 miles from any producing oil or gas

well and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than 500 feet each, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet or until valuable deposits of oil or gas shall be discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought, a monument not less than 4 feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after date of said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of 30 days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits, not more than five in number, may be granted for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than 500 feet within three years from date of the permit and to an aggregate depth of not less than 2,000 feet or until valuable deposits of oil or gas shall be discovered, within four years from date of permit: *And provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles disagreed to by the House of Representatives, had agreed to the conferences asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WALSH, Mr. THOMPSON, and Mr. SMOOT as the conferees on said bills on the part of the Senate:

H. R. 8496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 9160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 9612. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10477. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10850. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 11364. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11663. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

EXPLORATION FOR COAL, PHOSPHATE, OIL, GAS, AND SODIUM.

The committee resumed its session.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I wanted to ask the chairman of the committee a few questions in regard to this section and incidentally to make a suggestion or two.

I notice on page 34, line 16, that you provide for a prospecting permit. I want to call your attention to the fact that a great many of the tracts of land can not be gathered in one block, and that if you would change that language to "prospecting permits" it would probably be better, and in that way the man would be limited to his acreage of 640 acres or 2,560 acres, although it would not be in one block. There might be several permits issued for small tracts.

And I also want to ask the gentleman this question: On page 35, the first eight lines, you undoubtedly attempt to compel drilling. The language used here on line 4 is:

One or more wells for oil or gas to a depth of not less than 500 feet each, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet or until valuable deposits of oil or gas shall be discovered.

Now, you undoubtedly intend to compel the man to drill, but what do you expect to do if he strikes oil at 300 feet or at any less depth than 500 feet?

Mr. FERRIS. Of course, if that language at the end of line 8, page 35, does not reach that we will have to elaborate it a little. It provides there that unless the oil or gas shall sooner be discovered.

Mr. CHANDLER of Oklahoma. It does not say exactly that. If you should use the words "unless valuable deposits of oil or gas shall be discovered at lesser depth" I think it would correct it.

Mr. FERRIS. I think the committee would accept it if the gentleman has an amendment prepared.

Mr. CHANDLER of Oklahoma. I have not prepared it. However, I offer an amendment, Mr. Chairman, to strike out, in line 7, page 35, after the word "feet," the following words: "or until valuable deposits of oil or gas shall be discovered," and insert "unless valuable deposits of oil or gas shall be discovered at a lesser depth."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHANDLER of Oklahoma: Page 35, line 7, after the word "feet," strike out the words "or until valuable deposits of oil or gas shall be discovered," and insert in lieu thereof "unless valuable deposits of oil or gas shall be discovered at a lesser depth."

Mr. FERRIS. I think probably the language of the gentleman from Oklahoma improves it. We have intended that same thing. Therefore I have no objection. I think it makes it better.

Mr. STAFFORD. Does not the gentleman think the clause should be placed after the word "permit," in line 6, rather than at the end of the sentence, making it read, "and shall within two years from date of permit"?

The CHAIRMAN. Just a moment; there is some question in the mind of the Clerk as to the tautology of this amendment. Will the gentleman from Oklahoma please repeat it?

Mr. CHANDLER of Oklahoma. To strike out the following words, commencing in line 7, or until valuable deposits of oil or gas shall be discovered."

The CHAIRMAN. That is sufficient. The Clerk has it now.

Mr. STAFFORD. The only question is whether the clause would not have a better place after the word "permit," in line 6, page 35, rather than at the end of the sentence.

Mr. RAKER. Will the gentleman from Oklahoma [Mr. CHANDLER] yield?

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. CHANDLER] yield to the gentleman from California [Mr. RAKER]?

Mr. CHANDLER of Oklahoma. Yes; I yield.

Mr. RAKER. Under this provision a man must go down not less than 2,000 feet, unless he strikes a valuable deposit of oil or gas before then.

Mr. CHANDLER of Oklahoma. That is what I am trying to do.

Mr. RAKER. Under the language it now reads, "Or until valuable deposits of oil or gas shall be discovered." If he goes down 100 feet and strikes valuable deposits of oil or gas, he complies with the law. The language here was put in after much consideration by the committee. I can not get the gentleman's distinction. In other words, he must go down at least 2,000 feet, according to the gentleman's idea, if he does not discover anything; but the moment he discovers valuable oil or gas at a depth of 100 feet or 200 feet or 300 feet he complies with the law.

Mr. CHANDLER of Oklahoma. That is what I want to effect.

Mr. RAKER. "Or until valuable deposits of oil or gas shall be discovered." Now, if he can not discover such deposits at 2,000 feet he has got to go down 3,000 or 4,000 or 5,000 feet, which he ought to do.

Mr. CHANDLER of Oklahoma. He can throw up his permit at any time. You will find that a man who drills to 2,000 feet will not quit until he has gone as far as he can. A man who has put that much money in a lease will go on drilling.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. In a moment. Under the terms of this bill, if you strike valuable oil or gas at 300 feet, you would be compelled to go on down and destroy a good oil well.

Mr. RAKER. Oh, no. The very purpose is that he has got to go down during that two years 2,000 feet, unless he has discovered valuable oil or gas.

Mr. CHANDLER of Oklahoma. I am trying to get the idea of the gentleman.

Mr. LA FOLLETTE. Now, Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. LA FOLLETTE. Does not the gentleman's amendment make it not positive that he should go more than 2,000 feet? If he does not discover it, he can stop at 2,000 feet and not try to go deeper.

Mr. CHANDLER of Oklahoma. The permit is played out, anyway.

Mr. STAFFORD. If the gentleman will permit, I think the purpose aimed at by the gentleman from Oklahoma would be obtained by leaving the language of the paragraph as it is, but inserting the language of the gentleman after the word "permit" on line 6 of page 35. Would not that carry out the purpose by inserting the amendment at that place and leaving the language as it is, to obviate the objection made by the committee? The language would then read "and shall, within two years from the date of the permit, unless valuable deposits of oil or gas shall have been discovered at a lesser depth, drill for oil or gas to an aggregate depth of not less than 2,000 feet, or until valuable deposits of oil or gas shall be discovered."

Mr. CHANDLER of Oklahoma. I would suggest, if it is in the intention of the committee to insist on drilling on down, if my amendment followed the word "discovered," it would probably clarify the situation still more. What you want is the oil. When the man has discovered it he has complied with his contract and should be permitted to stop.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. STAFFORD. As I understand, it is the purpose of the committee not to require the prospector to drill in the second year if he has discovered oil in the first 500 feet.

Mr. FERRIS. That is right.

Mr. STAFFORD. But if he has not discovered oil in the first year at 500 feet, it is the idea that he shall keep on drilling during the second year not only to 2,000 feet but beyond?

Mr. RAKER. That is right.

Mr. ELSTON. No. He does not have to go beyond 2,000 feet. He must go on not less than 2,000 feet. If he reaches 2,000 feet he can quit. There is nothing here to require him to drill more than 2,000 feet.

Mr. STAFFORD. That is not the language of the bill which the gentleman has reported. The language requires them to go farther than 2,000 feet if oil has not been discovered up to that distance. It says "not less than 2,000 feet."

Mr. MONDELL. My interpretation of the language is this, that the driller or locator is not required to drill farther than is necessary to make a discovery of oil or gas, and that, on the other hand, he must go on until he does make such discovery, even though he should go more than 2,000 feet. I think what the gentleman desires to reach by his amendment is provided for in the language as it is in the bill. I am inclined to think it is.

Mr. CHANDLER of Oklahoma. I will state to the gentleman that it does not agree with my interpretation of what all the laws pertaining to oil and gas leases are that I have ever heard of.

Mr. MONDELL. It says he shall go to an aggregate depth of not less than 2,000 feet, but until valuable deposits shall have been discovered.

Mr. CHANDLER of Oklahoma. It means that if he does not find it at 2,000 feet he must keep on drilling until he does, and under that the fact is you will find very few men, if any, who have finances enough to drill oil wells who will go in there and make such contracts.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CRAMTON. Mr. Chairman, as a substitute for the gentleman's amendment I would offer this amendment: To strike out in line 7, page 35, the words "or until" and insert the word "unless"; and in line 8 to insert the word "sooner" before the word "discovered." Then it would read that he must within the two years drill for oil or gas "to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered." I think that would satisfy everybody.

Mr. FERRIS. Does that cure the defect that the gentleman from Oklahoma had in mind?

Mr. CHANDLER of Oklahoma. That is practically the same thing I have offered, except that I said "at a lesser depth," an expression that is used in practically every oil lease in the United States.

Mr. CRAMTON. The purpose of the committee was to require the man, in diligent prosecution, to go down in two years at least 2,000 feet unless he got oil before. If he got oil before he went down 2,000 feet, then he might stop.

Mr. RAKER. I believe the intention of the committee was contrary to the statement of the gentleman, and I believe he agreed with the bill as it now is, which intends that the man must go down at least an aggregate depth of 2,000 feet. He is going after oil. Now, having gone down that far, he can get an extension of time, and he should not be permitted to withdraw his auger after he has got it down 2,000 feet.

Mr. CRAMTON. The language as it stands in the bill is this: It says that within two years the man must go down to an aggregate depth of not less than 2,000 feet, and until he gets oil. Now, if the oil is down 5,000 feet, he has got to go down that 5,000 feet in two years, and that is not what we meant. We meant that he must go down at least 2,000 feet in the two years unless he gets oil sooner. If he does, then he can stop digging.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Does it not really mean that the permittee must drill 2,000 feet, and if he does not continue drilling beyond that the duration of his permit will not continue?

Mr. CHANDLER of Oklahoma. His permit expires at the end of two years anyway.

Mr. CRAMTON. The amendment I have offered makes it clear, I think, that he must within two years do one of two things—either go down 2,000 feet or go down until he gets valuable deposits of oil.

Mr. FERRIS. I think the amendment of the gentleman from Michigan carries out the wishes of the committee, and carries out all that is necessary, and by the aid of the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Oklahoma [Mr. CHANDLER], I am sure we will have all the amendment we need. I ask for a vote.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON as a substitute for the amendment of Mr. CHANDLER of Oklahoma: Page 35, line 7, after the word "feet," strike out the words "or until" and insert in lieu thereof the word "unless." In line 8, after the word "be," insert the word "sooner."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan, which has just been read.

The substitute was agreed to.

The CHAIRMAN. The substitute is adopted, and therefore the original amendment fails.

Mr. ELSTON. I would like to ask the gentleman, in view of the interpretation put upon the words, whether that same proviso should not be inserted after the provision requiring a drilling of 500 feet in the first year.

Mr. FERRIS. I think it should.

Mr. ELSTON. I think it would do no harm at all to repeat it anyway.

Mr. FERRIS. If the gentleman will be good enough to offer it——

Mr. ELSTON. I offer the amendment, Mr. Chairman. After the word "each," on page 35, in line 5, insert the words "unless valuable deposits of oil or gas shall be sooner discovered."

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ELSTON: Page 35, line 5, after the word "each," insert the following: "Unless valuable deposits of oil or gas shall be sooner discovered."

The CHAIRMAN. The question is on the amendment.
The amendment was agreed to.
Mr. SULZER. Mr. Chairman, I move the same amendment be adopted on page 36, line 23.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 36, line 22, at the beginning of the line strike out the words "or until" and insert the word "unless." In the same line, after the word "be," insert the word "sooner."

The CHAIRMAN. The question is on the amendment.
The amendment was considered and agreed to.
Mr. SULZER. Now, Mr. Chairman, in line 20, after the word "feet," the same amendment that was adopted a moment ago should be inserted.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 26, line 20, after the word "feet," insert the words "unless valuable deposits of oil and gas shall be sooner discovered."

The amendment was agreed to.
Mr. RAKER. Mr. Chairman, this legislation is a change from the act of February 27, 1865, as amended July 4, 1866, May 2, 1872, and various amendments up until the act of February 11, 1897, which authorized any person to enter lands under mining laws of the United States and obtain patents to land containing petroleum or other mineral oil, and chiefly valuable therefor under the provisions of the laws relating to placer mineral claims, provided that lands containing such petroleum or other mineral oils which has heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act, the same as if such filing claim or improvement were subsequent to the date and passage thereof.
Likewise the act of 1903 authorized the consolidation of claims and the subsequent act of March 2, 1911, that in no case shall patent be denied to or for any land heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified person or persons or corporation prior to the discovery of oil or gas therein, but if such claim is in all other respects valid and regular patent therefor, not exceeding 160 acres in any one place, shall issue to the holder or holders thereof as in other cases.
I simply want to say that we are changing the placer mining law so far as it relates to petroleum, oil, or gas. I can not let this occasion pass without calling the attention of the committee and the House to the fact that notwithstanding there has been more or less litigation, more or less trouble growing out of the holding of the department that the discovery of oil and gas made at a particular time was subject to cancellation by virtue of the reservation, and therefore the man was not entitled to his land, but few people realize that the pioneers that adopted the legislation of the placer-mining law were the actual workers and the developers of the Rocky Mountain and Pacific Coast States.
The placer-mining law, which was made applicable to petroleum and gas, and the men who developed that were the class and character of men in this country that no other country on earth has ever known before. They were the cream of the United States and of the world. [Applause.]
These pioneers made it possible for the adoption of laws that have changed the very face of this country, that have given it better laws and better conditions. Their spirit of progress, their spirit of initiation, their determination to do things which they actually did has done more to advance the cause of humanity and man than any other class of men that have taken any part in our affairs of history.
The sons and daughters, the descendants of these men, are the ones that have been interested in the development of California and the West, who have spent their money and their time in developing these oil properties.
Men have gone on their way to that country who have lost their lives. Many have traveled across the desert wastes without water and without food for the purpose of developing that country.
A MEMBER. How did they get there?
Mr. RAKER. How did they get there? They got there by virtue of their indomitable will and courage. Many a man lost his life on the plains that did not get through; but it is through the work of these men that did get there, to their efforts, that development has been made.
The CHAIRMAN. The time of the gentleman from California has expired.
Mr. RAKER. Mr. Chairman, I ask for three minutes more.
The CHAIRMAN. Is there objection?
There was no objection.
Mr. RAKER. Those of us who have been in that country know it to be a fact that it is through that effort, through the expenditure of their money, through the expenditure of their time that they made it possible to determine that oil exists in that country. Those of us who as young men rode across those plains, where they now have oil, heard everyone say there was nothing there but toads and lizards and sagebrush. To-day they have developed that country, and it is nothing more than right that this Congress in administering the law should give recognition to the honest, bona fide claims of the men who have expended their time and money in the development of that territory. We feel satisfied that the proper adjustment of the leasing law, with proper provisions for remedial legislation, which has been adopted from time to time, will be so arranged that the Government will be protected; that those men who have expended their money will be protected; and that the Government at the same time will have been paid a reasonable and fair royalty upon the oil extracted by those who have used the wells up to the present time. That having been done, all will have been protected, and at the same time they will have been placed in a position where not only the wells now in operation may be used, but every available means and the knowledge of 15 years' experience will be applied to the development and boring of new wells, so that we may be able to supply the present urgent needs for oil in our various war industries, in transportation, mining, and agriculture throughout the Western States.
Mr. MONDELL. Mr. Chairman, will the gentleman yield?
Mr. RAKER. I yield for a question.
Mr. MONDELL. I am delighted to hear the optimistic expressions of my friend from California. I hope he has a sound basis for his hope and expectations. Of course, the gentleman realizes that the provisions of this bill as they now stand are not a proper basis for congratulation or approval.
Mr. RAKER. They are not rosy or flowery.
The CHAIRMAN. The time of the gentleman from California has again expired.
Mr. MONDELL. Mr. Chairman, I move to strike out the last word, and I do that for the purpose of expressing the hope that the expectations of the gentleman from California [Mr. RAKER], relative to the satisfactory ultimate character of this legislation, may all be fulfilled. The bill as it now stands certainly does not justify our being enthusiastic about it, but as I have stated before, while I have concluded that it would not be possible to greatly modify the bill on the floor and under the circumstances not wise to attempt it, I hope that later in another body and a smaller one than this, the committee of conference, there may be modifications, adjustments, and agreements that will produce a reasonably satisfactory result.
Mr. FERRIS. Mr. Chairman, no doubt there are Members here who could answer that better than I, and I presume the gentleman from Alaska [Mr. SULZER] might do it better than I, but I think I can give the gentleman reasons satisfactory to him. Alaska is far removed from continental United States. The conditions in respect to the climate there are rough and cold. In addition to that, there is scarcely a well in the entire Territory that yields over five barrels a day. There is no oil production going on up there. The oil development is in its infancy and men at very great hazard and expense and under every sort of adverse circumstance have been putting their money in there striving to develop that area. It was the thought of the committee that we ought to be a little more liberal with them than we could be in a country where we know where the oil deposits are, and where there are gushers and where the territory is well defined and producing millions of barrels.
Mr. ELSTON. And there was also another reason, and that is because the Territory of Alaska is so great. It is as great as any three of four States of the Union, so that five permits to Alaska would not be as much as three to each State of the Union.
Mr. CHANDLER of Oklahoma. Mr. Chairman, will the gentleman yield.
Mr. MONDELL. Yes.
Mr. CHANDLER of Oklahoma. I want to call attention to the bill that calls for five permits to be granted in Alaska, on page 46, while they are limited to three elsewhere. How do they expect a man who has five permits to protect himself in case he finds oil or gas?
Mr. MONDELL. I want to say to my friend from Oklahoma, that I congratulate him and his committee that, whereas the former bill only allowed one lease in all the United States, his present bill allows three in each State in the Union. I congratulate the committee, and I take some credit for the change of mind on

their part, because that is one of the things I have been insisting upon from the time this bill was first introduced. Gentlemen will remember I insisted that the provision limiting an individual or corporation to one lease was not sound or fair. Like some other things I said in regard to this bill, that appeal for a time fell on deaf ears. Evidently the truth sufficiently insisted upon and frequently repeated will eventually sink in, particularly when addressed to the minds of intelligent gentlemen like those who constitute the Committee on the Public Lands. I congratulate the committee for having departed from the notion that an American citizen should have but one opportunity anywhere on the public domain to blow in his good money trying to discover oil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. The committee of Wyoming and Colorado oil men who were here offered a number of amendments to this section, and most of them have, I think, been adopted by the committee. They all tend to make the legislation better. The provision which they proposed of three leases in a State does not appear in this section, but appears further over in the bill in another section, so that is provided for. The bill will go to conference and in the cloistered precincts of the conference committee gentlemen will have an opportunity to study all these things very carefully and examine and pass upon them with deliberation. Among other things, I hope they will somewhat modify the provision that limits to 640 acres the size of a permit within 10 miles of a producing well. This permit you will recall now ripens into a lease. I congratulate the committee on that modification finally brought about after long effort on the part of a few of us to accomplish that result. It must be apparent to everyone familiar with the situation that the provision that limits the acreage by the distance from a producing well is not a wise one. It is not the easiest thing in the world to arrive at any definite basis of determination, but the distance from a producing well is not a logical determining factor. Forty rods from a producing well may bring one into an entirely different geological structure and one may be the wildest sort of a wildcatter within rifle shot of a spouting well. On the other hand, one may be 10 miles from a producing well and still be in an area that gives abundant promise of a splendid product. The rule of distance is not a good rule. The rule of geological structure suggested by the oil men's committee is a sound one, and I congratulate the committee on having to a certain extent adopted that rule.

Mr. ELSTON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ELSTON. I thoroughly agree with the gentleman on that point. I think it was somewhat of a concession to an opinion which probably prevailed in the House that there was something inviolate in regard to the 640-acre limitation as to amount, and the 10-mile limit was thrown in to keep the similarity to the former bill and tie it up to it as closely as possible.

There was no logic or any scientific reason for the 10-mile limitation, because everything the gentleman says is true. Within a few miles from a producing well you can have a different geological structure and that territory be as wildcat as anything and you can not find anything. But I believe the reasons that were urged in the way of policy and compromise have brought this section into the shape in which we now find it here.

Mr. MONDELL. I am glad the gentleman from California [Mr. ELSTON] takes that view, because this is a tremendously important section of the bill. In these provisions we are dealing entirely with future operations. We are not dealing with anyone who has heretofore attached a claim to the soil. We are dealing with the future and with the newcomer, and we want a law under which he can operate, under which he will be encouraged to operate and take the great chances that he always must take in oil development. At any rate, there should be a departure from this limitation of 640 acres, unless we confine the limitation of 640 acres, as suggested by the oil men, to the limits of a developed field.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. Mr. Chairman, I make the point of order there is no quorum present.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise. It is a little after 5 o'clock, and we have had a pretty good day.

The motion was agreed to; and the Speaker having resumed the chair, Mr. DEWALT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. JOHN W. RAINEY, by unanimous consent, was granted leave of absence indefinitely, on account of illness in family.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2646. An act for the relief of Edward W. Whitaker; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Saturday, May 25, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a proposed clause of legislation for inclusion in the next deficiency bill (H. Doc. No. 1127); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting draft of a proposed bill to amend section 7 of "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917 (H. Doc. No. 1128); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting deficiency estimate of appropriation payable from the postal revenues for the fiscal year 1918 (H. Doc. No. 1129); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an urgent deficiency estimate of appropriation required by the War Department for additional temporary employees for the fiscal year 1918 (H. Doc. No. 1130); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Oakland Harbor, Cal. (H. Doc. No. 1131); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAMTON, from the Committee on the Public Lands, to which was referred the bill (H. R. 10403) for the relief of the heirs, assigns, and legal representatives of William Watson, reported the same without amendment, accompanied by a report (No. 601), which said bill and report were referred to the Private Calendar.

Mr. WELLING, from the Committee on Claims, to which was referred the bill (H. R. 5497) for the relief of Emma J. Spear reported the same without amendment, accompanied by a report (No. 602), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 6012) for the relief of N. Ferro, reported the same without amendment, accompanied by a report (No. 603), which said bill and report were referred to the Private Calendar.

Mr. ROMJUE, from the Committee on Claims, to which was referred the bill (H. R. 907) making an appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States, reported the same with amendment, accompanied by a report (No. 604), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: Resolution (H. Res. 368) requesting the Secretary of Agriculture to furnish certain information; to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11718) granting an increase of pension to George S. Taylor, and the same was referred to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 12259) granting a pension to Elizabeth A. Lester; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 12260) granting an increase of pension to Ambrose White; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 12261) granting an increase of pension to John Jackson; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 12262) granting a pension to Anna Herlehy; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 12263) granting a pension to Widow Emma Golden; to the Committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 12264) granting an increase of pension to Henry Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12265) granting an increase of pension to Daniel S. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12266) granting an increase of pension to Nehemiah Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12267) granting an increase of pension to Ransom House; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12268) granting an increase of pension to Calvin B. Beebe; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12269) granting an increase of pension to Henry Pfranger; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 12270) granting a pension to Sarah Ann Williamson; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 12271) granting an increase of pension to John H. Chatham, jr.; to the Committee on Pensions.

Also, a bill (H. R. 12272) granting an increase of pension to Edward H. Dalton; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 12273) for the relief of John Mangan; to the Committee on Military Affairs.

By Mr. REED: A bill (H. R. 12274) granting an increase of pension to John S. Brannan; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 12275) granting a pension to Etta A. Hood; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 12276) granting relief to Capt. J. C. Colwell, United States Navy, retired; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12277) granting an increase of pension to James Boshane; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 12278) granting an increase of pension to Aaron Lewis; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 12279) granting an increase of penison to John A. Burns; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the St. Louis Photo-Engravers' Union, No. 10, protesting against the second-class postage provision of the war-revenue bill; to the Committee on Ways and Means.

Also (by request), resolution of the St. Louis Chamber of Commerce, recommending that a full census be taken in 1920; to the Committee on the Census.

Also (by request), resolution of the St. Louis Chamber of Commerce, favoring the immediate utilization of the waterways to help relieve congested railroad conditions; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution of the Associated Retail Confectioners of the United States, pledging unremitting support to the President and the Government in winning the war; to the Committee on Military Affairs.

Also (by request), memorial of the Associated Retail Confectioners of the United States, urging the passage of Senate bills 3955, 3956, 3957, and 3958; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the congregation of the Metropolitan Presbyterian Church of Washington, D. C., asking for the enactment of a Sabbath law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOCHT: Evidence in support of House bill 11830, granting an increase of pension to George W. Vawn; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10565, granting a pension to Clarence W. Durr; to the Committee on Pensions.

By Mr. FULLER of Illinois: Petitions and memorials of the National Dairy Conference for the Promotion of Dairy Interests; the Periodical Publishers' Association; the Catholic Woman's League of Chicago; the General Assembly of the State of Rhode Island; Parke D. Holland, of Streator, Ill.; the World's Salesmanship Congress; and the Hoblit Community Club, of Atlanta, Ill., praying for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petitions of the Ganesha Club, of Belvidere, Ill.; the Women's Missionary Society of Somonauk, Ill.; citizens of Morris, Ill.; the Sycamore Woman's Club, of Sycamore, Ill.; and the Illinois State Federation of Women's Clubs, favoring prohibition of the manufacture and sale of intoxicating liquors for the period of the war; to the Committee on Alcoholic Liquor Traffic.

By Mr. HAMILTON of Michigan: Memorial of the Woman's Progressive League of Niles, Mich., protesting against the use of the national parks for grazing purposes; to the Committee on the Public Lands.

Also, petition of citizens of the State of Michigan, relative to the length of freight trains, the equipment of cars, and other matters; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Resolutions of Rhode Island Bankers' Association, in opposition to Senate bill providing for guaranty of deposits not exceeding $5,000 in national banks, etc.; to the Committee on Banking and Currency.

By Mr. KINKAID: Petition of citizens of Atkinson, Nebr., protesting against the postal-zone legislation and asking for its repeal; to the Committee on Ways and Means.

By Mr. NOLAN: Petition of J. B. F. Davis & Son, insurance brokers, and Berger & Carter Co., iron and steel machinery, both of San Francisco, Cal., favoring payment of income and excess-profit taxes in installments; to the Committee on Ways and Means.

By Mr. SNELL: Petition of the First Presbyterian Church, Morristown, N. Y., for the passage of a bill to effectively prohibit the use of any kind of foodstuffs during the war for the manufacture of intoxicating beverages and to limit liquors on hand to nonbeverage uses; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of the citizens of Otter Tail, Minn., for enactment of war prohibition; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of the Church Periodical Club, diocese of Massachusetts, relative to the increased postal rates for publishers effective July 1, 1918; to the Committee on Ways and Means.

Also, petition of the West Roxbury Women's Club, West Roxbury, Mass., on the increased postal rates for publishers effective July 1; to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 25, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

We thank Thee, O God, for that voice which calls us, in our need, to look upward to Thee and which speaks to us as only God can speak to a human soul. We thank Thee for those lofty principles which emanate from Thee and which are born in our hearts under the influence of Thy redeeming love and which are designed to direct all our steps aright.

O God, help us to walk according to this rule. In all our hopes and plans and ambitions for peace or war, at home or abroad, on the land, on the sea, may we seek to make the world